

**MANATEE COUNTY ZONING ORDINANCE
PDMU-19-05(Z)(G) – SPRINGS AT ELLENTON/IMG
ENTERPRISES, INC. PLN1902-0194**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 6.88± ACRES ON THE EASTERN PORTION OF A 37.17± ACRE SITE (30.29± ACRES ARE ZONED PDMU) FROM THE A-1 (SUBURBAN AGRICULTURE) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A 292 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AND A 150,000 SQUARE FOOT NON-RESIDENTIAL DEVELOPMENT; AND A SCHEDULE OF USES AS VOLUNTARILY PROFFERED BY THE APPLICANT AND ATTACHED AS EXHIBIT B; THE PROPERTY IS GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 60TH AVENUE EAST AND 29TH STREET EAST, ELLENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, IMG Enterprises, Inc. (the “Applicant”) filed an application to rezone approximately 6.88± acres on the eastern portion of a 37.17± acre site (30.29± acres are zoned PDMU) described in Exhibit “A”, attached hereto, (the “property”) from the A-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for a 292-unit multi-family residential development and a 150,000 square foot non-residential development (the “project”) on the property; and

WHEREAS, the applicant also filed a Schedule of Uses (permitted and prohibited) as voluntarily proffered by the applicant attached hereto as Exhibit “B”; and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to the Land Development Code Section 1005.4.D. (reduction in parking requirements from 2.1 spaces/unit to 1.76 spaces/unit); and

WHEREAS, Building and Development Services staff recommended approval of the rezone, General Development Plan, and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on June 13, 2019 to consider the rezone, General Development Plan and Specific Approval applications, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and

recommended approval of the applications subject to the stipulations contained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance from the A-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on June 20, 2019 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 15-17, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1005 – Table 10-2 Parking Ratios, staff finds that the purpose of the LDC regulation is satisfied to an equivalent degree based on the parking study demonstrating that a parking ratio of 1.76 spaces/unit satisfies the LDC to an equivalent degree.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a 292-unit multi-family residential development and a 150,000 square foot non-residential development, upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment

of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.

2. All other applicable state or federal permits shall be obtained before commencement of the development.
3. Final Site Plan (FSP) review and approval is required for any proposed amenities. Any structures and/or uses shall comply with all applicable LDC requirements (i.e., parking, structure height, signage).
4. The uses approved for this project shall be as voluntarily proffered by the Applicant and are attached to this Ordinance as Exhibit "B" and made a part hereof by reference.
5. The maximum height for the residential portion of the project is limited to two (2) stories.
6. The maximum height for the non-residential portion (commercial and/or office) is limited to four (4) stories and shall comply with all height compatibility requirements of the Land Development Code.

B. INFRASTRUCTURE STIPULATIONS

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by the County Engineer through the construction plans review process for the project.

C. STORMWATER STIPULATIONS

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 25-year and 100-year floodplains associated with Government Hammock and post-development discharge of runoff. Drainage Modeling shall be submitted to demonstrate compliance prior to commencement of construction.
2. Any fill within the 25- and 100-year floodplain associated with Government Hammock shall be compensated by the creation of an equal or greater storage

volume above seasonal high-water table. 25- and 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with the Construction Plan submittal) to demonstrate no adverse drainage impacts for the mean annual 10-year, 25-year, and 100-year design storm events to a no-rise condition.

3. All residential lots/units shall be located outside of the post-development 25-year floodplain.
4. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Government Hammock (county designated maintenance system "N-32"), and a 25-foot Drainage-Maintenance Access Easement shall be provided within the project boundaries along the east/north bank of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

D. ENVIRONMENTAL STIPULATIONS

1. A Construction Water Quality Monitoring Program, with proposed sampling locations, are required to be included in the ESCP information on the Final Site Plan in accordance with Section 355 of the LDC.
2. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
3. The project shall not impact the 0.15-acre wetland.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for an alternative to Section 1005.4.D. (reduction in parking requirements from 2.1 spaces/unit to 1.76 spaces/unit) of the Land Development Code.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit "A" herein from A-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 20th day of June 2019.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: _____
Stephen R. Jonsson, Chairman

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller**

BY: _____
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE N^{89°59'56"}W, A DISTANCE OF 92.83 FEET TO THE POINT OF BEGINNING, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF 60TH AVENUE EAST; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: THENCE S^{00°08'22"}E, A DISTANCE OF 199.78 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 3511.56 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°20'44", A DISTANCE OF 388.91 FEET; TO A POINT OF REVERSE CURVATURE WITH A CURVE, TO THE RIGHT HAVING A RADIUS OF 3343.56 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°20'44", A DISTANCE OF 370.31 FEET TO A POINT OF TANGENCY; THENCE S^{00°08'22"}E, A DISTANCE OF 581.99 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A CREEK; THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF CREEK THE FOLLOWING FORTY (40) COURSES: THENCE N^{11°52'57"}W, A DISTANCE OF 17.37 FEET; THENCE N^{22°01'05"}W, A DISTANCE OF 48.38 FEET; THENCE N^{37°02'01"}W, A DISTANCE OF 59.00 FEET; THENCE N^{42°58'01"}W, A DISTANCE OF 58.76 FEET; THENCE N^{38°42'12"}W, A DISTANCE OF 84.55 FEET; THENCE N^{78°41'32"}W, A DISTANCE OF 53.45 FEET; THENCE S^{86°20'54"}W, A DISTANCE OF 74.13 FEET; THENCE S^{80°10'05"}W, A DISTANCE OF 51.20 FEET; THENCE S^{18°12'30"}W, A DISTANCE OF 38.73 FEET; THENCE S^{37°04'02"}W, A DISTANCE OF 59.25 FEET; THENCE S^{66°22'07"}W, A DISTANCE OF 40.09 FEET; THENCE N^{79°06'45"}W, A DISTANCE OF 71.73 FEET; THENCE S^{81°12'18"}W, A DISTANCE OF 129.61 FEET; THENCE S^{86°51'19"}W, A DISTANCE OF 34.02 FEET; THENCE S^{86°51'19"}W, A DISTANCE OF 72.77 FEET; THENCE N^{71°13'10"}W, A DISTANCE OF 52.85 FEET; THENCE N^{51°19'57"}W, A DISTANCE OF 97.01 FEET; THENCE N^{41°32'41"}W, A DISTANCE OF 28.60 FEET; THENCE N^{16°06'12"}W, A DISTANCE OF 48.13 FEET; THENCE N^{39°48'53"}W, A DISTANCE OF 24.06 FEET; THENCE N^{33°34'06"}W, A DISTANCE OF 92.01 FEET; THENCE N^{40°26'15"}W, A DISTANCE OF 76.73 FEET; THENCE N^{51°47'30"}W, A DISTANCE OF 34.91 FEET; THENCE N^{51°47'30"}W, A DISTANCE OF 56.90 FEET; THENCE N^{59°32'15"}W, A DISTANCE OF 68.18 FEET; THENCE S^{83°54'58"}W, A DISTANCE OF 57.99 FEET; THENCE N^{63°26'06"}W, A DISTANCE OF 41.62 FEET; THENCE N^{16°44'21"}W, A DISTANCE OF 48.89 FEET; THENCE N^{07°04'44"}E, A DISTANCE OF 58.23 FEET; THENCE N^{31°02'38"}E, A DISTANCE OF 107.28 FEET; THENCE N^{03°42'15"}E, A DISTANCE OF 151.29 FEET; THENCE N^{02°00'32"}E, A DISTANCE OF 29.19 FEET; THENCE N^{44°43'11"}W, A DISTANCE OF 50.59 FEET; THENCE N^{21°22'28"}W, A DISTANCE OF 83.48 FEET; THENCE N^{36°54'25"}W, A DISTANCE OF 70.38 FEET; THENCE N^{01°34'57"}E, A DISTANCE OF 86.94 FEET; THENCE N^{10°08'03"}W, A DISTANCE OF 50.43 FEET; THENCE N^{25°11'44"}W, A DISTANCE OF 84.01 FEET; THENCE N^{43°06'45"}W, A DISTANCE OF 81.28 FEET; THENCE N^{15°54'38"}W, A DISTANCE OF 224.07 FEET TO THE INTERSECTION WITH A NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 9; THENCE N^{89°59'38"}E, ALONG SAID NORTH LINE, A DISTANCE OF

124.00 FEET; THENCE S`89°59'56" E, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 1255.20 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 37.17 ACRES, MORE OR LESS.