Manatee County Ordinance

PDR-25-04(G)(R) – 5TH STREET ELMINGTON – WESTERMAN INVESTMENTS, LLC (OWNER) – PLN2603-0016

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, PROVIDING FOR THE REQUESTED APPROVAL OF AN AMENDMENT TO ORDINANCE NO. PDR-25-04(Z)(G) AND ITS ASSOCIATED GENERAL DEVELOPMENT PLAN, REQUESTING AN INCREASED DENSITY FOR UP TO 108 MULTI-FAMILY RESIDENTIAL UNITS FROM THE PREVIOUSLY APPROVED 90 MULTI-FAMILY UNITS, WITH ONE HUNDRED (100%) PERCENT OF THE UNITS REMAINING DESIGNATED AS "AFFORDABLE HOUSING" IN ACCORDANCE WITH A LAND USE RESTRICTION AGREEMENT (LURA); THE PROPERTY BEING LOCATED ON APPROXIMATELY 3.38 ACRES, RETAINING ITS PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING, AND GENERALLY BEING LOCATED 800 FEET EAST OF THE INTERSECTION OF 1ST STREET AND 301 BOULEVARD EAST, AND COMMONLY KNOWN AS 4010 5TH STREET EAST, BRADENTON, FLORIDA (UNINCORPORATED MANATEE COUNTY); SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Westerman Investments, LLC (the "Applicant") filed an application for an amendment to Ordinance No. PDR-25-04(Z)(G) and its associated General Development Plan, requesting an increased density for up to 108 multi-family residential units from the previously approved 90 multi-family units, with one hundred (100%) percent of the units remaining designated as "Affordable Housing" in accordance with a Land Use Restriction Agreement (LURA) on approximately 3.38 acres, retaining its PDR (Planned Development Residential) zoning, as described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 1005.3.A., Table 10-2, reducing from 1.8 parking spaces to 1.5 parking spaces per dwelling unit for Multiple Family Dwellings; and 2) 1001.1.C, proposing an alternative design to requirement for a second separate means of access for a development containing more than 100 residential dwelling units; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 17, 2026, to consider the amendment to Ordinance No. PDR-25-04(Z)(G) and its associated General Development Plan and Specific Approval applications 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 amendment to Ordinance No. PDR-25-04(Z)(G) and its associated General Development Plan and Specific Approval 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 subject to the conditions 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, 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 a revised General Development Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on October 8, 2026, regarding the proposed Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code 1005.3.A. Table 10-2 - Multiple Family Dwellings, the Board of County Commissioners finds that the purpose of the LDC regulation is satisfied to an equivalent degree according to Staff's analysis above by the proposed design of the parking space requirements.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.1.C, the Board of County Commissioners finds that the purpose of the LDC regulation is satisfied to an equivalent degree by through compliance with fire code requirements and continued technical review to ensure public health and safety due to the alleviation of the second means of access requirement.

Section 2. AMENDED GENERAL DEVELOPMENT PLAN. The amended General Development Plan is hereby approved requesting an increased density for up to 108 multi-family residential units from the previously approved 90 multi-family units, with one hundred (100%) percent of the units remaining designated as "Affordable Housing" in accordance with a Land Use Restriction Agreement (LURA), upon the property subject to the following Conditions:

A. DESIGN AND LAND USE

1. The Applicant shall enter into a Land Use Restriction Agreement (LURA) pursuant to Chapter 5 of the Land Development Code, in a form acceptable to Manatee County.

2. The site plan submitted with this application shall be part of the approval.

3. All other applicable local, state, and/or federal permits shall be obtained prior to commencement of construction.

4. Any new or temporary use or uses proposed at this property, other than those approved with this application, shall be required to apply for a new general development permit

through Development Services-Planning & Zoning, as required by the Land Development Code.

5. Any significant or archeological resources discovered during development activities shall be immediately reported to Florida Department of State's Division of Historical Resources. Treatment of such resources shall be determined in cooperation with the Divisions of Historical Resources and the County. The final determination of significance shall be made in conjunction with Florida Department of State's Division of Historical Resources and the County. The appropriate treatment of such resources (potentially including exaction of the site in accordance with the guidelines established by Florida Department of State's 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 Statues (Offenses Concerning Dead Bodies and Graves) shall be followed.

6. All roof-mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet wall or other visual and noise deflecting materials. The materials shall be consistent with the construction of the principal building(s). Compliance shall be verified with review of the building permit.

7. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot-high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.

B. ENVIRONMENTAL PLANNING

1. All other applicable state or federal permits shall be obtained prior to commencement of development.

2. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. 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); and
   • The final disposition of the well - used, capped, or plugged.

3. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

C. STORMWATER ENGINEERING

1. Pursuant to Sections 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR}, Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) 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 County FEMA 1% annual chance flood hazard area

delineation pursuant to the City of Bradenton Watershed Management Plan, and post-development discharge of runoff.

2. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Chapter 2-10 - Drainage and Flood Control, or as amended), 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 post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

   NOAA Atlas 14 rainfall data shall be used for stormwater modeling (This applies to PDR/PDC projects).

Storm Frequency	Cumulative Rainfall	Rainfall Distribution
2.33-year/24-hour	4.5 inches	FLMOD
10-year/24-hour	NOAA Atlas 14	FLMOD
25-year/24-hour	NOAA Atlas 14	FLMOD
50-year/24-hour	NOAA Atlas 14	FLMOD
100-year/24-hour	NOAA Atlas 14	FLMOD
100-year/72-hour	18 inches	FDOT-72

   50-year storm event modeling applies to thoroughfare drainage systems only.

3. The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (City of Bradenton Watershed Management Plan) shall be submitted to demonstrate compliance prior to commencement of construction.

4. Any fill within the FEMA 1% annual chance flood hazard area as delineated by the City of Bradenton Management Plan (WMP) shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. FEMA 1% annual chance flood hazard area compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can submit drainage modeling utilizing the City of Bradenton Watershed Management Plan (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.

D. DEVELOPMENT REVIEW

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 applicable County Master Plan. The connection shall be designed, engineered, and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the Development Services review process for the project.

2. The project will need to be built to the Manatee County Utility, Stormwater, and Highway & Traffic Standards that are current at the time of construction.

E. TRAFFIC ENGINEERING

1. The County has repealed transportation concurrency and implemented an Alternative Transportation System (ATS). Therefore, at the time of future site plan submittal, all proposed access points will be evaluated with a Trip Reservation Report and Operational Analysis (TRR & OA) to determine if any site and safety related improvements will be required for the site.

2. Additional access may be at the request of the Fire District at the time of PSP/FSP.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 1005.3.A., Table 10-2, reducing from 1.8 parking spaces to 1.5 parking spaces per dwelling unit for Multiple Family Dwellings; and 2) 1001.1.C, proposing an alternative design to requirement for a second separate means of access for a development containing more than 100 residential dwelling units.

Section 4. 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, sentence, clause, or 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 5. 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 6. 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 7. 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 8th day of October 2026.

BOARD OF COUNTY COMMISISONERS OF MANATEE COUNTY, FLORIDA.

BY: _____
Chairperson

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

BY: _____
Deputy Clerk

Exhibit "A"

BEGIN 40 RODS SOUTH AND 20 FEET WEST OF NE CORNER OF SW 1/4 OF SW 1/4, WEST 442 FEET, NORTH 336.7 FEET, EAST 442 FEET, SOUTH 336.7 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

THE ABOVE DESCRIBED PARCEL OF LAND IS THE SAME LAND AS DESCRIBED IN AMERICAN LAND TITLE ASSOCIATION COMMITMENT NUMBER 11945730 BEARING AN EFFECTIVE DATE OF AUGUST 5, 2024.

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 9, 2026

Angelina Colonneso
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Colonneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-25-04(G)(R), which was filed in this office on October 9, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp