

**MANATEE COUNTY ZONING ORDINANCE
PDEZ-08-21(Z)(G)(R) – PLANNED DEVELOPMENT ENCOURAGEMENT ZONE
AREA C
(DTS #20080251)**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR REZONING OF APPROXIMATELY 84.1 ACRES ON THE WEST SIDE OF US 41N, AND SOUTH OF PORT MANATEE FROM HC (HEAVY COMMERCIAL), LM (LIGHT MANUFACTURING), AND A-1 (SUBURBAN AGRICULTURE) TO THE PDEZ (PLANNED DEVELOPMENT ENCOURAGEMENT ZONE) ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR A MIX OF LIGHT INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County Government ("Applicant") filed an application to rezone approximately 84.1 acres described in Exhibit "A", attached hereto, (the "property") from HC (Heavy Commercial), LM (Light Manufacturing), and A-1 (Suburban Agriculture) to PDEZ (Planned Development Encouragement Zone) zoning district; and

WHEREAS, the applicant filed a General Development Plan limiting size and uses for 84.1 acres (the "Project") on the property; and

WHEREAS, Planning staff recommended approval of the rezone and General Development Plan, subject to the stipulations contained in the staff report; and

WHEREAS, an Ordinance was originally adopted on September 9, 2008, and after the adoption an advertising error was discovered. This Ordinance is correcting that error.

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.

MANATEE COUNTY, FLORIDA
2008 DEC 23 PM 11:05
FILED

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 adopted Ordinance 08-63 on August 12, 2008 to amend the Land Development Code to create a new Zoning District; Planned Development Encouragement Zone (PDEZ). The purpose and intent of the Planned Development Encouragement Zone (PDEZ) District is to provide for the development of land and uses compatible with and supportive of the economic health of Port Manatee and Manatee County.

B. Manatee County Government initiated the rezone of approximately 84.1 acres generally described as Area C to the (PDEZ) Planned Development Encouragement Zone District to further the purpose of intent of the Planned Development Encouragement Zone as codified in Ordinance No. 08-63.

C. The Board of County Commissioners received and considered the report of the Manatee County Planning staff concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from HC (Heavy Commercial), LM (Light Manufacturing), and A-1 (Suburban Agriculture) to the PDEZ (Planned Development Encouragement Zone) zoning district.

D. The Board of County Commissioners held duly noticed public hearings on November 18, 2008 and December 4, 2008 regarding the Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and further considered the information received at the public hearing.

E. 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.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a range of light and heavy industrial uses on approximately 84.1 acres subject to the following stipulations:

STIPULATIONS:

A. DESIGN AND LAND USE CONDITIONS:

1. The height of buildings shall be limited to 55 ft.
2. HVAC equipment, loading zones, and dumpsters shall be screened from view from adjacent rights-of-way and nearby residences. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials.

B. STORMWATER CONDITIONS:

1. Any fill within the 25-year or 100-year floodplains of the Curiosity Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. Drainage Easements shall be dedicated to Manatee County within the project boundaries for any systems that convey public road water. In addition Drainage-Maintenance Access Easement shall be provided at minimum along one side of each system.
3. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
4. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.
5. Stormwater capacity needs for the Port Connector Road, U.S. 41 and Buckeye Road shall be determined at the time of preliminary and/or final site plan submittal.
6. There shall be a full 25-year attenuation on all stormwater ponds for those parcels lying within Area C.

C. BUFFERS:

1. A twenty (20) foot wide buffer with enhanced landscaping shall be provided along the US 41 frontage for the length of the property. This buffer shall be planted with three canopy trees (3" caliper, 12-ft. height, 5-foot spread), and 4 understory trees (2inch caliper, 8 foot height, 3 foot spread) per 100 linear feet.
2. A twenty (20) foot wide screening buffer shall be provided along the west property line of the southernmost three lots of this Area. A solid 6 ft. decorative fence shall be installed within 20 ft. of the west property lines. The buffer shall be planted with 3 canopy trees and 33 shrubs per 100 l.f. on the exterior of the fence.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 90-01, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit "A", herein, from HC (Heavy Commercial), LM (Light Manufacturing), and A-1 (Suburban Agriculture) to the PDEZ (Planned Development Encouragement Zone) 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 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, 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 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. 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 4th day of December, 2008.

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

By: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: *Suzanne Romo*
Deputy Clerk



EXHIBIT "A"

PDEZ-08-21(Z)(G) – Area C
Legal Description

LOT 18, JOHN PIPLACKS SUB, [INSERT "LESS HW RW OF ST RD 45"], ALSO LESS TAMPA SOUTHERN RR R/W, [INSERT "ALSO LESS THAT PART INCLUDED IN MAINTAINED ARMSTRONG RD REC IN RP BK 4 PG 61-63, PER AFF REC IN OR 805 PG 887"], ALSO LESS THAT PART INCLUDED IN OR 1765 PG 6190 DESC AS FOLLOWS: THAT PART OF TRACT 18, REVISED MAP OF JOHN PIPLACKS SUB, PER PB 2 PG 145, LYING WEST OF THE RR R/W AND SOUTH OF THE NORTH R/W LN OF ARMSTRONG RD, AS SUCH R/W IS EXTENDED WLY FROM ARMSTRONG RD LYING EAST OF RR R/W TO THE W LN OF THE E1/2 OF THE SW1/4 OF SEC 7
PI#6007.0005/9

SE1/4 OF SW1/4 LESS 130 FT FOR RR R/W & [INSERT "LESS HW RW FOR ST RD 45"], ALSO LESS THAT PART OF THE SE1/4 OF THE SW1/4 OF SEC 7 LYING WEST OF THE RR R/W PI#6024.0005/9

BEGIN AT A PT ON THE WLY RW OF US HWY 41 IN SEC 18, SD PT BEING THE SE COR OF THAT CERTAIN PARCEL CONVEYED BY VECTOR INVESTMENT OF MANATEE, LLC TO TRILECTRON INDUSTRIES INC, IN OR 1499/3612; TH RUN S 00 DEG 10 MIN 10 SEC E ALG THE AFOREMENTIONED WLY RW OF US 41, 413.04 FT; TH LEAVING SD R/W, RUN N 89 DEG 38 MIN 30 SEC W, 1057.47 FT TO THE ELY RW OF THE SEABOARD COASTLINE RAILROAD, SD PT BEING 65.00 FT E OF THE C/L OF THE TRACKS OF SD RAILROAD; TH RUN N 00 DEG 36 MIN 29 SEC E, PAR TO AND 65.00 FT ELY OF THE SD TRACK C/L, 413.02 FT; TH S 89 DEG 38 MIN 30 SEC E, 1015.87 FT TO THE POB. THE ABOVE DESC PARCEL BEING AND LYING IN SEC 18, TWN 33, RNG 18, CONTAINS 10.00 ACRES M/L. (1918/4542)
PI#6219.1030/9

S1/2 OF N1/2 OF NE1/4 OF SW1/4 OF SEC 18; LESS RD R/W OFF E & RR R/W OFF W P-17-4 PI#6224.1005/8



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 10th day of December, 2008

R.B. SHORE
Clerk of Circuit Court

By: Debi Jessner D.C.



FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:42

FLORIDA DEPARTMENT of STATE

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 16, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-27, 08-30, 08-52, 08-60, 08-81, PDR-05-67(Z) (P), PDR-06-73(Z) (P), PDR-08-13(Z) (P), Z-08-02, PDEZ-08-19(Z) (G) (R), PDEZ-08-20(Z) (G), PDEZ-08-21(Z) (G) (R), PDEZ-08-22(Z) (G) (R), PDPI-06-43(Z) (P), , which were filed in this office on December 15, 2008.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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