

FILED FOR RECORD
R. B. SHORE

2005 OCT 18 PM 1:11

CLERK OF COUNTY COURT
MANATEE CO FLORIDA

MANATEE COUNTY ZONING ORDINANCE
PDPM-05-45(Z)(G) – PORT MANATEE

2005 OCT 13 11:56 AM
TALLAHASSEE, FLORIDA
CLERK OF COUNTY COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 16.55 ACRES GENERALLY LOCATED ON U.S. 41 N. ON THE WEST SIDE OF U.S.41 AT THE HILLSBOROUGH COUNTY LINE FROM THE A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) ZONING DISTRICT TO THE PDPM (PLANNED DEVELOPMENT PORT MANATEE) ZONING DISTRICT, APPROVING A GENERAL DEVELOPMENT PLAN FOR 882,300 SQUARE FEET OF NEW WAREHOUSE, INDUSTRIAL, AND OFFICE USES, AND 46,000 SQUARE FEET OF AGRICULTURAL USES FOR THE A HATCHERY; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Manatee County Port Authority has filed a rezone application to rezone approximately 16.55 acres described in Exhibit A, attached hereto, (the "Property") from the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDPM (Planned Development Port Manatee) zoning district; and,

WHEREAS, the Applicant has also filed a General Development Plan application to allow: 882,300 square feet of new warehouse, industrial, and office uses, and 46,000 square feet of agricultural uses for the fish hatchery (the "Project") to be located upon the Property; and,

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

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 8, 2005 to consider the rezone and General Development Plan, received the Planning Staff's recommendations 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 rezone and General Development Plan 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 Planning 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 of said County, 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, 1 dwelling unit per acre) zoning district to the PDPM (Planned Development Port Manatee) zoning district.
- B. The Board of County Commissioners held a duly noticed public hearing on October 6, 2005 regarding said proposed 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 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 2020 Manatee County Comprehensive Plan.

Section 2. The General Development Plan is hereby APPROVED to allow: 882,300 square feet of new warehouse, industrial, and office uses, and 46,000 square feet of agricultural uses for the fish hatchery upon the Property subject to the Stipulations set out below:

STIPULATIONS

- 1. With each Final Site Plan submitted for property adjacent to residential property on Piney Point Road, and west of Reeder Road, the Port or its lessee shall provide a twenty-five (25) ft. wide screening buffer. The buffer shall contain a minimum of 3 canopy trees, 2 understory trees, and 33 shrubs per 100 linear feet. (Amended original stipulation).
- 2. Maximum building heights shall be as follows:

ZONE/AREA/LOCATION	MAXIMUM BUILDING HEIGHT
Within 600 ft. of Piney Point Road/Zone B	55 feet
Western 2,800 ft. of Zone A (excluding the area within 1,000 ft. of the harbor)	75 feet
Zone A within 1,000 ft. of the harbor	200 feet
Remainder of Zone A	55 feet
Zone B	75 feet
Zone C	n/a conservation area
Zone D	55 feet
Adjacent to Port Boundaries	55 feet (those in excess of 55 ft. shall be setback an additional 1 ft. for each 1 ft. over 55 ft.)

3. A detailed seagrass mitigation plan shall be submitted to the Planning Department (after approval by applicable state and federal agencies) with submittal of the first Final Site Plan or Off-Street Parking Plan for berth related improvements (eg. Seawalls, aprons, etc.) (Original Stipulation).
4. Chemical processing, ethanol refineries and heavy manufacturing uses shall not be allowed on property abutting residential uses on Piney Point Road. (Amended Original Stipulation)
5. The Port shall provide a complete wetland survey and inventory information for each Zone with submittal of the first Final Site Plan for development within the Hendry property. All jurisdictional lines and buffers shall be shown on this plan. Any upland preservation areas shall be thoroughly shown and described within the plan. (Existing Stipulation)
6. Prior to improvement of the Piney Point Road boat launch area, establishment of a recreational component to the Fish Hatchery, or approval of site plans for such improvement, the Land Development Code must be amended to allow recreational uses within the PDPM District. (Existing Amended Stipulation)
7. All conditions of DEP permitting and other related Federal permits shall be met in full. (Existing Stipulation)
8. In order to determine compliance with Comprehensive Plan Policy 4.1.1.4, the Port shall submit a survey or other means, to identify seagrass locations in impacted areas. This shall be submitted with the first Final Site Plan for a project that impacts existing seagrass beds.
9. The Port shall continue to update and implement the Port Master Drainage Plan with future development.
10. The Port shall provide a current inventory and map of unique and productive terrestrial and aquatic habitats on site and within the vicinity of the Port that could be adversely effected by Port activities by September 2006.
11. The Port shall provide updates of the approved Water Quality Monitoring Plan to the Environmental Management Department on an annual basis, beginning September 30, 2006.
12. The Port staff shall apply for CON (Conservation) Future Land Use Category for the South Port property designated for conservation by September 30, 2006.
13. The Conservation Easement(s) to be dedicated to Manatee County shall be dedicated by December 31, 2005.
14. Prior to the first Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety.

15. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the 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.
16. Chemical processing and Ethanol production facilities on Port property shall be allowed subject to Preliminary Site Plan approval by the Board of County Commissioners.

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 district classification of the Property identified in Exhibit A herein from the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDPM (Planned Development Port Manatee) 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 said 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 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. 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 6th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____


Chairman



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

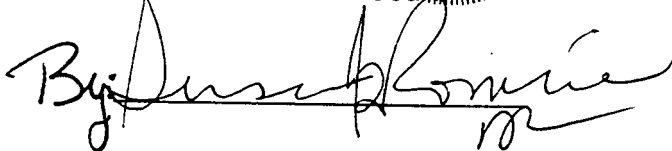


EXHIBIT A

**LEGAL DESCRIPTION OF THE PROPERTY
(16.55 ACRE REZONE AREA)**

LOTS 2, 3, 4, 5, 6, AND 7 IN BLOCK 156. PINEY POINT SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 305, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. ALSO:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF CENTRAL AVENUE AND THE EAST LINE OF BAYSIDE BOULEVARD, ACCORDING TO MAP OR PLAT OF PINEY POINT ON FILE AND OF RECORD IN PLAT BOOK 1, PAGE 305, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; RUN THENCE NORTHWESTERLY ALONG THE NORTH LINE OF CENTRAL AVENUE EXTENDED TO THE POINT OF INTERSECTION WITH THE LINE OF MEAN LOW TIDE OF TAMPA BAY; RUN THENCE SOUTHWESTERLY ALONG THE MEAN LOW TIDE LINE OF TAMPA BAY TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF WEST MANATEE AVENUE EXTENDED NORTHWESTERLY; RUN THENCE SOUTHEASTERLY ALONG THE SAID NORTH LINE OF WEST MANATEE AVENUE TO THE POINT OF INTERSECTION WITH THE EAST LINE OF BAYSIDE BOULEVARD; RUN THENCE NORTHEASTERLY ALONG THE EAST LINE OF BAYSIDE BOULEVARD TO THE POINT OF BEGINNING; ALL OF THE FOREGOING BEING IN SECTION 1, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

AND BEING ALSO DESCRIBED AS ALL LAND LYING BETWEEN THE NORTH BOUNDARY LINES OF CENTRAL AVENUE AND WEST MANATEE AVENUE, ACCORDING TO THE SAID MAP OR PLAT OF PINEY POINT, WHICH IS WEST OF AND BETWEEN THE EAST BOUNDARY LINE OF BAYSIDE BOULEVARD AND THE MEAN LOW TIDE LINE OF TAMPA BAY; TOGETHER WITH ALL RIPARIAN RIGHTS. ALSO

ALL RIGHT, TITLE, AND INTEREST, IF ANY, OF THE PARTY DELIVERING THIS INSTRUMENT IN AN D TO THE FOLLOWING DESCRIBED PARCEL: BEGIN AT THE POINT OF INTERSECTION OF THE NORTH LINE OF CENTRAL AVENUE AND AT THE EAST LINE OF BAYSIDE BOULEVARD, ACCORDING TO THE MAP OR PLAT OF PINEY POINT AS ON FILE AND OF RECORD IN PLAT BOOK 1, PAGE 305, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; RUN THENCE SOUTHWESTERLY ALONG THE EAST LINE OF SAID BAYSIDE BOULEVARD TO A POINT OF INTERSECTION WITH THE NORTH LINE OF WEST MANATEE AVENUE, ACCORDING TO SAID MAP OR PLAT; RUN THENCE NORTH 59° 30' 00" WEST ALONG THE EXTENSION OF SAID NORTH LINE OF WEST MANATEE AVENUE A DISTANCE OF 1100 FEET; RUN THENCE NORTH 30° 33' 47" EAST, A DISTANCE OF 590 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE NORTH LINE OF SAID CENTRAL AVENUE; RUN THENCE SOUTH 59° 30' 00" EAST ALONG THE EXTENSION OF SAID NORTH LINE OF CENTRAL AVENUE A DISTANCE OF 1100 FEET TO THE POINT OF BEGINNING. ALL OF THE FOREGOING LYING IN SECTION 1, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 16.55 ACRES MORE OR LESS.



STATE OF FLORIDA, COUNTY OF MANATEE
I hereby 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 11th day of

October, 2005.

R.B. SHORE
Clerk of Circuit Court

By: Diane E. Volmer



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECORDED
R. B. SHORE
2005 OCT 18 PM 1:11
CLERK
MANATEE CO. FLORIDA COURT

October 14, 2005

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 11, 2005 and certified copies of Manatee County Ordinance Nos. Z-04-12 and PDMU-05-45(Z)(G), which were filed in this office on October 13, 2005.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosures