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R. B. SHORE

2008 SEP 22 AM 10:17

CLERK OF COUNTY COMMISSION  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE**

**PDEZ-08-21 (Z)(G) – Planned Development Encouragement Zone Area (DTB #20080251)**

2008 SEP 12 AM 11:43  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

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 99 ACRES ON THE WEST SIDE OF US 41, BEGINNING JUST NORTH OF ARMSTRONG ROAD SOUTH TO SOUTH OF CHAPMAN ROAD FROM HC (HEAVY COMMERCIAL), LM (LIGHT MANUFACTURING), AND A-1 (SUBURBAN AGRICULTURE) TO THE PDEZ (PLANNED DEVELOPMENT ENCOURAGEMENT ZONE) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR HEAVY INDUSTRIAL USES WITH A MAXIMUM FAR OF .75 IN IL AND USES LIMITED BY THE GENERAL DEVELOPMENT PLAN; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (±99 ACRE REZONE AND SITE PLAN APPROVAL).

**WHEREAS**, Manatee County Government (the "Applicant") filed an application to rezone approximately 99 acres described in Exhibit "A", attached hereto, (the "property") from HM (Heavy Manufacturing), and A (General Agriculture) to PDEZ (Planned Development Encouragement Zone); and

**WHEREAS**, the applicant filed a General Development Plan limiting size and uses for 99 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**, the Manatee County Planning Commission, after due public notice, held a public hearing on August 14, 2008 to consider the rezone and General Development Plan, 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 adopted Ordinance 08-63 on August 12, 2008 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 (the Applicant) has initiated the rezoning of approximately 99 acres generally described as Area C to the Planned Development Encouragement Zone (PDEZ) 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 Commission 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 PDEZ (Planned Development Encouragement Zone) zoning district.

D. The Board of County Commissioners held duly noticed public hearings on August 18, 2008, August 26, 2008, September 4, 2008, and September 9, 2008 regarding the 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 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 2020 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 99 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 district classification of the property identified in Exhibit "A" herein from HC (Heavy Commercial), LM (Light Manufacturing), and A-1 (Suburban Agriculture) to 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 said Official Zoning Atlas.

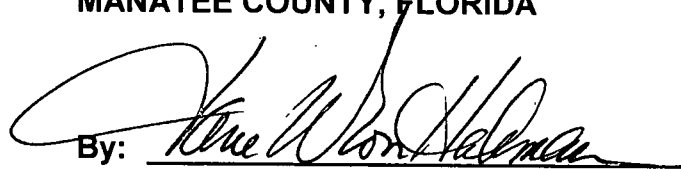
**Section 5. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality 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.

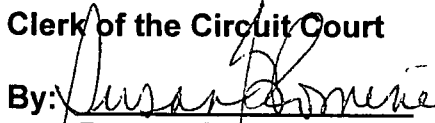
**Section 7. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 9<sup>th</sup> day of September, 2008.

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

By:   
**Jane von Hahmann, Chairman**

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

By:   
**Deputy Clerk**



**EXHIBIT "A"**

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

LOT 18, JOHN PIPLACKS SUB, [INSERT "LESS H/W R/W 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 H/W R/W 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

THAT PART OF THE E1/2 OF NW1/4 OF SEC 18, LYING N OF A NATURAL SLOUGH, LESS LANDS W OF RR, LESS R/W FOR SD RR, LESS THE N 100 FT THEREOF, ALSO LESS R/W FOR US HWY 41, THE ABOVE MORE PARTICULARLY DESC AS FOLL; COM AT NE COR OF SD E1/2 OF NW1/4 OF SEC 18; TH N 89 DEG 39 MIN 30 SEC W, ALG N LN OF SD SEC A DIST OF 86 FT TO W R/W LN OF US 41; TH S 00 DEG 10 MIN 10 SEC E ALG SD R/W LN, 100 FT FOR POB; TH N 89 DEG 38 MIN 30 SEC W PARALLEL TO & 100 FT S OF SD N LN OF SEC 18 A DIST OF 1041.76 FT TO E R/W OF SCL RR; TH S 00 DEG 44 MIN 10 SEC W, ALG SD R/W PARALLEL TO C/L OF TRACKS OF SD RR & 65 FT E OF SD C/L 2265.28 FT; TH N 56 DEG 49 MIN 54 SEC E 1284.77 FT TO A PT ON AFOREMENTIONED W R/W LN OF US 41; TH N 00 DEG 10 MIN 10 SEC W ALG SD R/W LN, 1555.73 FT TO POB, THE ABOVE CONT 46.3 AC, M/L, DESC (838/412); LESS: COM AT THE NE COR OF SD E1/2 OF THE NW1/4 OF SEC 18; TH N 89 DEG 38 MIN 30 SEC W, ALG THE N LN OF SD SEC 18, A DIST OF 85.36 FT TO TE W R/W LN OF US HWY 41; TH S 00 DEG 10 MIN 10 SEC E, ALG SD R/W LN, A DIST OF 100 FT FOR A POB; TH N 89 DEG 38 MIN 30 SEC W, PAR TO & 100 FT S OF THE SD N LN OF SEC 18, A DIST OF 1041.69 FT TO THE E R/W LN OF THE SCL RR; TH S 00 DEG 36 MIN 29 SEC W, ALG SD R/W, PAR TO THE C/L OF THE TRACKS OF SD RR AND 65 FT E OF SD C/L, A DIST OF 750.01 FT; TH S 89 DEG 38 MIN 30 SEC E, A DIST OF 1051.87 FT TO A PT ON THE AFOREMENTIONED W R/W LN OF US HWY 41; TH N 00 DEG 10 MIN 10 SEC W, ALG SD R/W LN, A DIST OF 750.03 FT TO THE POB (1499/3612), ALSO LESS OR 1918/4542 DESC AS: BEGIN AT A PT ON THE WLY R/W 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 R/W 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 R/W 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. COMMENCE AT THE NE COR OF SD E 1/2 OF THE NW 1/4 OF SEC 18; TH N 89 DEG 38 MIN 30 SEC W, ALG THE N LN OF SD SEC 18, A DIST OF 86.00 FT TO THE W R/W LN OF US HWY 41; TH ALG THE WSLY R/W OF US 41, S 00 DEG 10 MIN 10 SEC E FOR 1263.07 FT FOR A POB; TH CONT ALG THE WSLY R/W OF US 41, S 00 DEG 10 MIN 10 SEC E FOR 392.62 FT; TH S 56 DEG 49 MIN 54 MIN W FOR 1284.77 FT, TO THE E LN OF TAMPA SOUTHERN RR; TH ALG SD LN OF SD TAMPA SOUTHERN RR, N 00 DEG 44 MIN 10 SEC E FOR 1102.24 FT; TH S 89 DEG 38 MIN 30 SEC E FOR 1060.14 FT; TO THE POB.(2013/4196) PI#6219.1020/9PI#6219.1020/9

BEGIN AT A PT ON THE WLY R/W 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 R/W 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 R/W 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 SEPTEMBER 2008  
R.D. SHORE  
Clerk of Circuit Court  
By: Nancy Harris D.C.

FILED FOR RECORD  
R. B. SHORE

2008 SEP 22 AM 10:16



CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

September 16, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-74, 080-73, PDEZ-08-19 (Z)(G), PDEZ-08-20 (Z)(P), PDEZ-08-21 (Z)(G) and PDEZ-08-22 (Z)(G), which were filed in this office on September 16, 2008.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dis.dos.state.fl.us>

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