

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE 2005 JUN -3 AM 11: 12
PDMU-03-20(Z)(P) – RRR PROPERTIES, LLP

CLERK OF THE COUNTY COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, 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 OF APPROXIMATELY 1.79 ACRES LOCATED AT 2012 LENA ROAD FROM THE A-1 (SUBURBAN AGRICULTURE, (ONE DWELLING UNIT PER ACRE) ZONE DISTRICT TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONE DISTRICT; APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 2,937 SQ. FT. PROFESSIONAL OFFICE AND A 4,500 SQ. FT. WORKSHOP/STORAGE BUILDING FOR A LAWN MAINTENANCE/LANDSCAPE BUSINESS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE MU FUTURE LAND USE CATEGORY; SETTING FORTH FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner (the "Applicant") filed a rezone application to rezone approximately 1.79 acres described in Exhibit A, attached hereto, (the "Property") from the A-1 (Suburban Agriculture, one dwelling unit per acre) Zone District to the PDMU (Planned Development Mixed Use) Zone District; and,

WHEREAS, the Applicant has also filed a preliminary site plan application to allow a professional office and a workshop/storage building for a lawn maintenance/landscape business (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for a Special Approval for a project located in the MU Future Land Use Category as required by the Manatee County Comprehensive Plan; and,

WHEREAS, the Planning Staff has recommended approval of the rezone, preliminary site plan, and Special Approval 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 May 12, 2005 to consider the rezone, preliminary site plan; and request for Special Approval, 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, preliminary site plan and Special 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 of the applications, subject to the stipulations contained in the Planning Staff report.

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

2005 JUN 3 AM 11:12
CLERK OF THE COUNTY COURT
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 Section 4 of this Ordinance from the A-1 (Suburban Agriculture, one dwelling unit per acre) Zone District to the PDMU (Planned Development Mixed Use) Zone District.

B. The Board of County Commissioners held a public hearing on May 24, 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 Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

D. The Board hereby finds that the Special Approval requested for the project depicted in the preliminary site plan application serves the intent and purpose of the MU Future Land Use Category in accordance with Policy 2.2.21.4, Future Land Use Element of the Comprehensive Plan.

Section 2. (A)The Preliminary Site Plan is hereby APPROVED to allow a 2,937 sq. ft. professional office and a 4,500 sq. ft. workshop/storage building for a lawn maintenance/landscape business, subject to the stipulations set out below.

(B) The Board hereby GRANTS Special Approval for the project depicted in the preliminary site plan application in accordance with Policy 2.2.1.21.4, Future Land Use Element of the Comprehensive Plan.

The approvals in Sec. 2 hereof are subject to the following Stipulations.

STIPULATIONS

1. The roadway buffer adjacent to Lena Road shall be a minimum of 20 feet in width with a minimum of one (1) canopy tree every 40' on center, one (1) understory tree every 25' on center and hedges, shrubs and berms shall be used to achieve 85% opacity to a height of four (4) feet within two (2) years of planting.
2. The only uses approved for this site are a professional office and a lawn maintenance and landscape business.
3. There shall be no visible outdoor storage on this site.

4. Any equipment repair shall be conducted inside the building with the doors closed.
5. Hours of operation for the lawn maintenance and landscape business shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Saturday.
6. The design and shielding of on-site lighting shall comply with Section 709.2.2 of the LDC. Pole and building mounted lights shall be limited to 16 feet in height and directed to the interior of the development using horizontal cut-offs. Lighting used after close of business shall be the minimum necessary to serve as security lighting. A photometric plan, including proposed design and shielding methods, shall be submitted to the Planning Department with the Final Site Plan.
7. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the tree barricades shall remain undisturbed. The following activities are prohibited within the barricades of preserved trees: machinery and vehicle travel or parking; underground utilities; and filling or excavation and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or other material as approved by the Planning Department.
8. The lowest quality water possible shall be used for irrigation on this site. In ground irrigation using Manatee County public potable water supply shall be prohibited.
9. Prior to Final Site Plan approval, concurrency shall be met relative to potable water, fire flow, and drainage design.
10. Prior to Final Site Plan approval, final engineering drainage design shall be approved.
11. The Final Site Plan shall show a 42' half-width right-of-way, or as required by the Comprehensive Plan, for the project frontage along Lena Road.

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 Section 4 herein from the A-1 (Suburban Agriculture, one dwelling unit per acre) Zone District to the PDMU (Planned Development Mixed Use) Zone 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. LEGAL DESCRIPTION OF REZONED PROPERTY:

THE SOUTH 264 FEET OF THE EAST 330 FEET OF THE SOUTH 660 FEET OF THE NE ¼ OF THE SW ¼ OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 78,127 SQUARE FEET (1.79 ACRES).

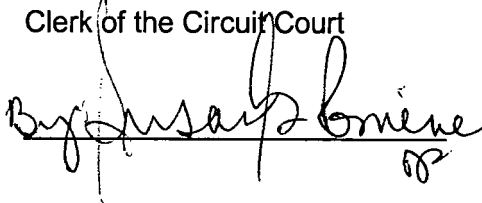
Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 24th day of May, 2005.

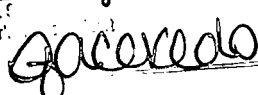
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 
FIRST VICE-CHAIRMAN

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





STATE OF FLORIDA
This is to certify that the foregoing is a true and correct copy of the original as the same appears in my office.
Witness my hand and seal this 25th day of May 20 05
R.B. Shore
Clerk
By: 



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

May 31, 2005

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

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R. B. SHORE
2005 JUN -3 AM 11:12
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated May 25, 2005 and certified copies of Manatee County Ordinance Nos. PDC-98-02(P)(R), PDMU-99-07(R4), PDMU-03-20(Z)(P), PDPI-04-50(G), Z-04-07, 05-34 and 05-35, which were filed in this office on May 31, 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