

FILED FOR RECORD  
R. B. SHORE

2008 DEC 23 AM 10:43

**MANATEE COUNTY ZONING ORDINANCE**  
**PDEZ-08-22(Z)(G)(R) – PLANNED DEVELOPMENT ENCOURAGEMENT ZONE**  
**AREA D**  
**(DTS #20080252)**

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA

**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 133 ACRES AT THE SOUTHWEST CORNER OF BUCKEYE ROAD BUD AND RHODEN ROAD FROM PDI (PLANNED DEVELOPMENT INDUSTRIAL) AND PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) TO THE PDEZ (PLANNED DEVELOPMENT ENCOURAGEMENT ZONE) ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR A MIX OF INDUSTRIAL; INDUSTRIAL SUPPORT, AND PORT RELATES 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 98 acres described in Exhibit "A" attached hereto, as sub-area D-1 from PDI (Planned Development Industrial) and 35 acres depicted as sub-area D-2, from PDPI (Planned Development Public Interest) to the PDEZ (Planned Development Encouragement Zone); and

**WHEREAS**, the applicant filed a General Development Plan limiting size and uses for approximately 35 acres (Sub-Area D-2) on the property; and

**WHEREAS**, an approved Preliminary Site Plan (approved by Ordinance No. PDPI-05-56(P)(R) exists for Sub-Area D-1 and thus the approved Preliminary Site Plan shall serve the same purposes as a General Development Plan for the rezoning to PDEZ (Planned Development Encouragement Zone); 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.

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 PDEZ District is to provide for development of land with uses compatible with and supportive of the economic health of Port Manatee and Manatee County.

B. Manatee County Government initiated this rezoning in order to further the purposes and intent of the Planned Development Encouragement Zone (PDEZ).

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 PDI (Planned Development Industrial) and PDPI (Planned Development Public Interest) 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 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 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 industrial uses on Sub-Area D-2 (approximately 35 acres). Portions of the General Development Plan are approved for Sub-Area D-1 (Buckeye Road Industrial Park). Those portions of the General Development Plan applicable to Sub-Area D-1 and Sub-Area D-2.

are designated as such on the General Development Plan. The approval of the General Development Plan is subject to the following stipulations, with stipulations only applicable to Sub-Area D-1 so labeled and those only applicable to Sub-Area D-2 labeled as such. Stipulations applicable to both Sub-Areas are so labeled.

**STIPULATIONS:**

**A. DESIGN AND LAND USE CONDITIONS:**

1. HVAC equipment, loading zones, and dumpsters shall be screened from view from adjacent rights-of-way. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials. (D-1, D-2)

2. All roof mounted HVAC mechanical equipment for the remaining lots shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the main buildings, so as not to be visible from and Buckeye Road. (D-1)

Architectural renderings for structures shall be submitted for review prior to Final Site Plan approval for each lot. (D-1)

3. All building facades shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls. (D-1)

4. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least 50% of the building face is constructed from other permitted materials.

To ensure that the buildings do not project a massive blank wall, blank walls shall be no longer than 20 feet in length. Design elements including prominently visible architectural details (e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to buildings.

Other methods, as determined by the Planning Director, may be approved, including allowing blank walls longer than 20 feet in length, provided superior

building materials and significant horizontal design features are incorporated as part of the building elevation. Building elevations shall be approved with the Final Site Plan by the Planning Department ensuring compliance with this condition. (D-1)

5. No heavy industrial uses are allowed in this subdivision. Adverse impacts statements shall be submitted prior to each subsequent site plan approval. (D-1) and (D-2)

6. Commercial uses shall be a maximum of 3,000 square feet and limited to intensive commercial, wholesale commercial, and small retail uses containing neighborhood retail uses only. (D-2)

7. Outdoor storage and loading zones shall not face residential uses. (D-1)

8. All deliveries and truck loading occurring on south and southwest perimeter lots (adjacent to residential) shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. (D-1)

9. The height of buildings on south and southwest perimeter lots shall be limited to 35 feet. (D-1)

10. A non-vehicular ingress egress easement in a form acceptable to the County shall be recorded and shown on the Final Plat along lots adjacent to Buckeye Road, Bud Rhoden Road, and Chapman Road, excluding the two access roads. No lots shall have direct access to Buckeye Road and Bud Rhoden Road. All driveways shall connect to the internal roads. (D-1)

11. All ground signs shall be in compliance with the requirements of any sign regulations then in effect. In addition, pole signs, message center signs, fluorescent signs, and neon signs are prohibited for all lots. (D-1) and (D-2)

12. The Preliminary Site Plan previously approved for Sub-Area D-1 (by the adoption of Ordinance No. PDI-05-56(P)(R) adopted on February 26, 2008 shall remain in full force and effect and shall not be superseded by any General Development Plan approved by this Ordinance. The approved Preliminary Site Plan is applicable to the legal description described in Exhibit B, a copy attached hereto and made part of by reference.

#### **B. STORMWATER CONDITIONS:**

1. Any fill within the 100-year floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table; 100-year floodplain compensation shall be compensated in sole use

compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). (D-1)

2. There shall be a full 25-year attenuation on all stormwater ponds within the development. (D-1)

3. A Drainage Maintenance Easement shall be provided along the ditch running along the west property line and the ditch running through the middle property north of proposed Lots 6-13, 21, and 22. The Drainage Easement width shall be from top of bank to top of bank, based on design cross section, and an additional 25 feet Drainage Maintenance Access Easement from the top of bank along at least one side of the ditch. Drainage Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems. (D-1)

4. 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 and ground depressions. (D-1)

5. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff. (D-1)

6. The control structures in the existing wetlands shall not restrict the existing discharge rate. (D-1)

7. The downstream tailwater conditions shall be used in modeling the on-site drainage system. The model shall reflect the current downstream constrictions. The drainage model shall reflect no increase in stage downstream of the site. (D-1)

8. The Drainage Model and Construction Plan shall demonstrate stormwater conveyed by the roadside drainage swales along Buckeye Road will not flood the roadway in front of this property. (D-1)

C. BUFFERS:

1. Prior to Final Plat approval, a forty (40) foot wide buffer with enhanced landscaping shall be provided along Chapman Road. This buffer shall be planted with two staggered rows of understory trees (2" caliper, 6-ft. height, 3-foot spread), with trees in each row 30 feet on center, and 33 shrubs per 100 linear feet. At least three different species for each plant category shall be used. (D-1)

2. Prior to Final Plat approval, a twenty (20) foot wide buffer with enhanced landscaping shall be provided along the south and southwest perimeters (adjacent to the residential use) of the project. This buffer shall be planted with three canopy trees (3" caliper, 12-ft. height, 5-foot spread), and 33 shrubs (30 inches at time of planting) per 100 linear feet. (D-1)

3. Prior to Final Plat approval, a minimum twenty (20) foot wide buffer with enhanced landscaping shall be provided along Buckeye Road and Bud Rhoden Road. This buffer shall be planted with two staggered rows of understory trees containing six (6) evergreen trees (2" caliper as measured six inches from the base of the tree, 6-ft. height, 3-foot spread) and 33 shrubs (30-inches at time of planting) per 100 linear feet. At least three different species for each plant category shall be used. (D-1) and (D-2)

4. Prior to Final Plat approval, a six (6) foot high solid decorative, opaque wall or PVC fence shall be installed along the entire south, southwest, and east perimeters of the project. The wall shall be placed at the interior edge of the landscaped buffers and all required landscaping shall be on the exterior side of the wall. (D-1) and (D-2)

**D. ENVIRONMENTAL CONDITIONS:**

1. The applicant shall conduct a geotechnical investigation in accordance with Chapter 2-20.1 of the Manatee County Code of Ordinances, to quantify the post-development radon exposure risk and provide the results to Manatee County prior to Final Site Plan approval. (D-1)

2. Any tenant of the park operating a business that falls within one of the eleven categories of industrial activity identified in 40 CFR 122.26(b)(14) must obtain a generic or individual NPDES permit and implement a SWPPP. Copies of the permit coverage eligibility letter and the SWPPP shall be forwarded to Manatee County prior to Final Site Plan approval for each such lot within the subdivision. (D-1)

3. A Water Well Construction Permit must be obtained from Manatee County prior to construction of the proposed well(s). (D-1)

4. Existing wells shall be kept in a watertight manner and be protected during all construction activities. (D-1)

5. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapter 62-761, Florida Administrative Code. (D-1)

6. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from Manatee County. No burn permits will be issued until Final Site Plans or Construction Plans are approved. (D-1)

7. Prior to Final Site Plan for each lot, a special report for solid waste and waste water is required. The solid waste report shall address the type of solid waste generated, the generation rate, the method of disposal and any recycling efforts being made by the applicant. The waste water report shall describe composition and generation rate. (D-1) and (D-2)

**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 PDI (Planned Development Industrial) and PDPI (Planned Development Public Interest) 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 4<sup>th</sup> day of December, 2008.

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

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

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

By: *Susan Shore*  
Deputy Clerk

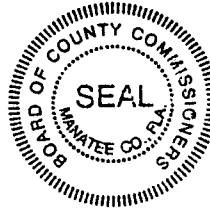




EXHIBIT "A"

Sub-area D-1

LEGAL DESCRIPTION

COM AT THE SOUTH SEC COR COMMON TO SEC 7 AND 8, TWN 33, RNG 18; TH N 00 DEG 08 MIN 30 SEC W, ALG THE SEC LN COMMON TO SD SECS 7 AND 8, A DIST OF 30.00 FT TO THE INT WITH THE NLY MAINTAINED R/W OF CHAPMAN RD FOR A POB; TH CONT N 00 DEG 08 MIN 30 SEC W, ALG SD COMMON SEC LN, SAME BEING THE E LN OF LOT 26 OF "JOHN PIPLACK'S SUB" AS REC IN PB 2 PG 145, PRMCF, A DIST OF 652.90 FT TO THE NE COR OF SD LOT 26; TH N 89 DEG 17 MIN 50 SEC W, ALG THE N LN OF SD LOT 26, A DIST OF 1341.69 FT TO THE NW COR THEREOF; TH N 00 DEG 11 MIN 50 SEC W, ALG THE E LN OF LOTS 19 (VACATED) AND 22 OF AFORESAID "JOHN PIPLACK'S SUB", A DIST OF 1211.92 FT; TH S 89 DEG 59 MIN 59 SEC E, 647.08 FT; TH S 00 DEG 00 MIN 11 SEC E, 86.00 FT; TH S 89 DEG 59 MIN 59 SEC E, 301.75 FT; TH N 00 DEG 09 MIN 21 SEC W, 605.03 FT; TH N 13 DEG 39 MIN 06 SEC W, 51.42 FT; TH N 00 DEG 09 MIN 21 SEC W, A DIST OF 122.75 FT TO THE PC OF A CURVE, CONCAVE TO THE SW, HAVING A RAD OF 35.00 FT; TH RUN NWLY, ALG THE ARC OF SD CURVE, THROUGH A C/A OF 89 DEG 10 MIN 53 SEC, A DIST OF 54.48 FT TO THE INT WITH THE SLY MAINTAINED R/W OF BUCKEYE RD; TH S 89 DEG 20 MIN 14 SEC E, ALG SD SLY MAINTAINED R/W, A DIST OF 440.84 FT TO THE INT WITH THE SEC LN COMMON TO SD SECS 7 AND 8; TH S 89 DEG 32 MIN 08 SEC E, ALG SD SLY MAINTAINED R/W, A DIST OF 1293.74 FT TO THE INT WITH THE WLY MAINTAINED R/W OF BUD RHODEN RD; TH RUN THE FOLLOWING COURSES ALG SD WLY R/W; RUN S 00 DEG 08 MIN 08 SEC E, 1039.66 FT; TH S 35 DEG 22 MIN 09 SEC W, 59.49 FT; TH S 09 DEG 55 MIN 23 SEC E, 215.00 FT; TH S 01 DEG 04 MIN 37 SEC E, 1035.00 FT; TH S 00 DEG 08 MIN 08 SEC E, A DIST OF 269.06 FT TO THE INT WITH AFORESAID NLY MAINTAINED R/W OF CHAPMAN RD; TH N 89 DEG 29 MIN 51 SEC W, ALG SD NLY MAINTAINED R/W, A DIST OF 1312.47 FT TO THE POB, (OR 2254/7112), PI#6032.0005/9

Sub-area D-2

LEGAL DESCRIPTION

COM AT THE SOUTH SEC COR COMMON TO SECS 7 AND 8, TWN 33, RNG 18; TH N 00 DEG 08 MIN 30 SEC W, ALG THE S LN COMMON TO SD SECS 7 AND 8, A DIST OF 30.00 FT TO THE INT WITH THE NLY MAINTAINED R/W OF CHAPMAN RD; TH CONT N 00 DEG 08 MIN 30 SEC W, ALG SD COM SEC LN, SAME BEING THE E LN OF LOT 26 OF "JOHN PIPLACK'S SUB", AS REC IN PB 2 PG 145, PRMCF, A DIST OF 652.90 FT TO THE NE COR OF SD LOT 26; TH N 89 DEG 17 MIN 50 SEC

W, ALG THE N LN OF SD LOT 26, A DIST OF 1341.69 FT TO THE NW COR THEREOF; TH N 00 DEG 11 MIN 50 SEC W, ALG THE E LNS OF LOTS 19 AND 22 OF AFORESAID "JOHN PIPLACKS'S SUB", A DIST OF 1211.92 FT FOR A POB; TH CONT N 00 DEG 11 MIN 50 SEC W, ALG THE E LN OF LOTS 15 AND 19 OF SD SUB, A DIST OF 737.09 FT TO THE INT WITH THE SLY MAINTAINED R/W OF BUCKEYE RD; TH S 89 DEG 20 MIN 14 SEC E, ALG SD SLY MAINTAINED R/W, A DIST OF 902.73 FT TO THE PC OF A CURVE, CONCAVE TO THE SW, HAVING A RAD OF 35.00 FT; TH RUN SELY, ALG THE ARC OF SD CURVE, THROUGH A C/A OF 89 DEG 10 MIN 53 SEC, A DIST OF 54.48 FT TO THE P.T. OF SD CURVE; TH S 00 DEG 09 MIN 21 SEC E, 122.75 FT; TH S 13 DEG 39 MIN 06 SEC E, 51.42 FT; TH S 00 DEG 09 MIN 21 SEC E, 605.03 FT; TH N 89 DEG 59 MIN 59 SEC W, 301.75 FT; TH N 00 DEG 00 MIN 11 SEC W, 86.00 FT; TH N 89 DEG 59 MIN 59 SEC W, A DIST OF 647.08 FT TO THE POB, (OR 2254/5593), PI#6002.0005/9



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: Heidi Jessner D.C.



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R. B. SHORE

2008 DEC 23 AM 10:42

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF CIRCUIT COURT  
MANATEE CO. 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

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
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