

FILED FOR RECORD
R. B. SHORE

2003 JUL 15 AM 9:02

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 CERTAIN LAND FROM A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) TO PDI (PLANNED DEVELOPMENT INDUSTRIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 33 LOT SUBDIVISION WITH 1,006,236 SQUARE FEET OF INDUSTRIAL SQUARE FOOTAGE.

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

Section 1. FINDINGS OF FACT. 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 of said County, as well as all other matters presented to said 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 A (General Agriculture, 1 dwelling unit per 5 acres) to PDI (Planned Development Industrial).

B. The Board of County Commissioners held a public hearing on June 17, 2003 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 Manatee County Comprehensive Plan.

Section 2. The General Development Plan is hereby APPROVED to allow a 33 lot subdivision with 1,006,236 square feet of industrial square footage with the following stipulations:

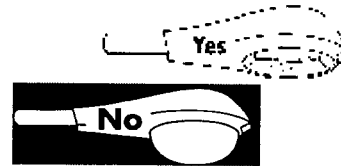
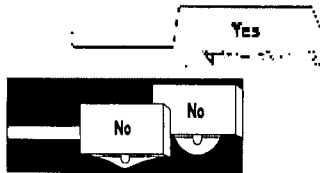
STIPULATIONS

1. The roadway buffer shown along Lakewood Ranch Blvd. and 44th Ave. E. extension frontages shall be 25' in width and planted with three rows of canopy and understory trees, with at least 3 canopy and 3 understory trees and 33 shrubs, per 100 l.f. of frontage. Buffering along the southern property line adjacent to the dedicated right-of-way shall be as if it were a roadway buffer.
2. 44th Avenue East shall be constructed by the applicant from Lakewood Ranch Boulevard to 100 feet west of the westernmost project entrance. This shall be completed or bonded

concurrent with the first Final Plat approval for any portion of the project adjacent to the right-of-way. Dedication of the right of way for the entire length of the southern property line of the project shall be concurrent with the first Final Plat approval for any portion of the project. Prior to the dedication of the right-of-way for 44th Avenue East, the Environmental Management Director and Transportation Director shall assure that the proposed dedication assures that the ultimate alignment considers the avoidance and minimization of wetland impacts, both on and off-site. This may require the right-of-way to be relocated and the site plan modified. The Final Site Plan shall show the chosen alignment.

3. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and the appropriate remediation or mitigative measures.
4. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review with the Final Site Plan. The plan shall include both supplemental plantings and ongoing removal of exotic nuisance vegetation.
5. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
6. Prior to Certificate of Occupancy/Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
7. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy issuance or Final Plat approval, in accordance with Section 715.4 of the LDC.
8. The access easement used for the cell tower on Lot 24 shall be terminated prior to issuance of a Certificate of Occupancy for development on that lot.
9. The Preliminary Plat shall have the lots numbered in the lot and block format in accordance with the LDC.
10. No resource recovery facilities or heavy industrial uses shall be allowed.
11. A Preliminary and Final Site Plan for the subdivision shall be required. This plan shall include maximum square footages and FAR's for the lots, landscape and irrigation plans, drainage, and other common elements for the overall subdivision.
12. The maximum height allowed is 45 feet. Buildings over 35 ft. in height shall be setback an one additional foot from the property line for each foot in height over 35 ft.

13. Signed and notarized Adverse Impacts Statements shall be provided for each individual lot at the time the Final Site Plan is submitted for that lot.
14. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.



15. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
16. If at the time of approval of the first Final Site Plan the County has plans for a reclaimed water line along Lakewood Ranch Blvd. or 44th Ave. E., and such lines are subject to a funding commitment, dry lines for hook-up to future re-use lines shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation.
17. No uses other than those listed below shall be allowed within this subdivision. The uses allowed are listed as follows:

Agricultural Products Processing
 Car Wash
 Hotel
 Utility Use
 Dry Cleaner
 Printing
 Outpatient Treatment Facility
 Short Term Agricultural Uses
 Veterinary Hospitals
 Bank
 Bank Drivethru
 Business Service
 Exterminating and Pest Control
 Passive Recreation Uses
 Towing Service Establishment
 Daycare
 Bus RR Passenger Station
 Bus RR Maintenance Facility
 Telecommunication Towers*

Office
 Industrial Service Establishment
 Motor Vehicle Repair
 Catering
 Lumberyard
 Cultural Facility
 Agriculture
 Medical and Dental Laboratory
 Light Manufacturing
 Research and Development Activity
 Low Intensity Recreation Uses
 Public Use Facility
 Post Office
 Public Community Use
 Motor Freight Terminals**
 Warehouse**
 Miniwarehouse

*Existing towers only may be modified or expanded. No new towers will be allowed.

** These uses must have loading areas on the north or east sides of the buildings for Lots 15 and 16.

18. The Developer shall install a traffic light at the intersection of Lakewood Ranch Boulevard and 44th Avenue East. The Developer will be responsible for all costs and installation. Light installation shall be when requested by Manatee County. The light shall not be required by Manatee County until the road is constructed.

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 A (General Agriculture, 1 dwelling unit per 5 acres) to PDI (Planned Development Industrial), 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.

A PARCEL LYING IN SECTIONS 5, 6, AND 7 TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE N 00° 16' 06" E., ALONG THE EAST LINE OF SAID SECTION 6, A DISTANCE OF 1,953.97 FEET; THENCE S. 89° 43' 54" E., A DISTANCE OF 346.91 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LAKEWOOD RANCH BOULEVARD (FORMERLY UPPER MANATEE RIVER ROAD) 120 FEET WIDE FOR THE POINT OF BEGINNING, ALSO BEING THE BEGINNING OF A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N. 80° 52' 50" W., A RADIAL DISTANCE OF 1,940.00 FEET; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06° 23' 59", AN ARC LENGTH OF 216.69 FEET TO THE END OF SAID CURVE, ALSO BEING THE NORTHEAST CORNER OF POND NO. 6, AS RECORDED IN O.R. BOOK 1540, PAGE 7900 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; (THE FOLLOWING 5 CALLS ARE ALONG THE BOUNDARY OF SAID POND NO. 6; THENCE N 82° 06' 55" W., A DISTANCE OF 64.57 FEET; THENCE N. 89° 32' 27" W., A DISTANCE OF 147.42 FEET; THENCE S. 59° 09' 59" W., A DISTANCE, A DISTANCE OF 178.01 FEET; THENCE S. 11° 35' 01" W., A DISTANCE OF 198.27 FEET; THENCE S. 69° 20' 19" E., A DISTANCE OF 305.69 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID LAKEWOOD RANCH BOULEVARD; (THE FOLLOWING 2 CALLS ARE ALONG SAID WESTERLY LINE); THENCE S. 17° 15' 14" W., A DISTANCE OF 1,080.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,560.00 FEET AND A CENTRAL ANGLE OF 26° 30' 09"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 721.59 FEET TO THE END OF SAID CURVE, ALSO BEING THE NORTHEAST CORNER OF POND #5, DESCRIBED IN OFFICIAL RECORDS BOOK 1540, PAGE 7918 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THE FOLLOWING 5 CALLS ARE ALONG THE BOUNDARY OF SAID POND #5; THENCE S. 75° 51' 00" W., ALONG A LINE NON-TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 123.01 FEET; THENCE S. 41° 50' 03" W., A DISTANCE OF 194.44 FEET; THENCE N. 87° 46' 09" W., A DISTANCE OF 232.05 FEET; THENCE S. 02° 20' 27" W., A DISTANCE OF 186.47 FEET; THENCE S. 87° 35' 31" E., A DISTANCE OF 597.84 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S. 85° 18' 05" W., A RADIAL DISTANCE OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH

A CENTRAL ANGLE OF 79° 07' 32", AN ARC LENGTH OF 69.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 74° 25' 37" W., A DISTANCE OF 30.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2,805.00 FEET AND A CENTRAL ANGLE OF 36° 48' 55"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,802.35 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,925.00 FEET AND A CENTRAL ANGLE OF 19° 21' 07"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 987.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 88° 06' 35" W., A DISTANCE OF 969.85 FEET; THENCE N. 59° 35' 19" E., A DISTANCE OF 4,863.12 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4,867,146 SQUARE FEET OR 111.7343 ACRES, MORE OR LESS.

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 17th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman



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

By: Susan G. Glomire



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 19th day of

June, 2003.

R.B. SHORE
Clerk of Circuit Court

By: Dianna E. Vollmer D.C.

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STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

GLEND E. HOOD
Secretary of State

July 10, 2003

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 1, 2003* and certified copy of Manatee County Ordinance No. PDI-03-12(Z)(G), which was filed in this office on July 7, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Jane Bradshaw".

Sarah Jane Bradshaw
Assistant Director

SJB/mp

* NOTE: Letter to Secy of State is dated
6/19/03 and was mailed on 6/19/03.
DEV