

MANATEE COUNTY ZONING ORDINANCE
PDPI-03-27(Z)(P) – SMR, INC./LECOM (fka SMR Communities/LECOM)

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 AWPPE(AGRICULTURE - 1 DWELLING UNIT PER 5 ACRES/WATERSHED PROTECTION-EVERS OVERLAY DISTRICT) TO PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) AND REZONING OUT OF THE WATERSHED OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE, AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 128,500 SQ. FT. MEDICAL COLLEGE.

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 AWPPE(Agriculture - 1 dwelling unit per 5 acres/Watershed Protection Evers) to PDPI (Planned Development Public Interest) and rezoning out of the Watershed Overlay District.

B. The Board of County Commissioners held a public hearing on August 26, 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 Preliminary Site Plan is hereby APPROVED to allow a 128,500 sq.ft. medical college with the following stipulations:

STIPULATIONS

1. The design and shielding of any on-site lighting 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. If street lights are installed, all street lights within the project shall be limited to 20' in height, and directed to the interior of the development using horizontal cut-off fixtures, including decorative street lights or carriage lights.
2. All nuisance exotic species shall be removed from the upland portion of the site prior to issuance of a Certificate of Occupancy for this project.

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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/mitigative measures.
4. Wetland buffers shall be enlarged in the northwest portion of the site to provide additional upland preservation of the Pine-Mesic-Oak habitat. This shall be shown on the Final Site Plan and approved by the EMD.
5. Prior to Final Site Plan approval, concurrency must be met relative to fire flow, potable water, and drainage design.
6. Final Site Plans, Construction Plans, ERP, and NPDES permit approvals must be obtained prior to submittal of the ESCP. Construction or land clearing is not authorized until an ESCP has been approved by the EMD and all required meetings have been completed.
7. Unless otherwise approved by EMD, native or drought tolerant species shall be utilized in the landscaping materials. At least 3 different tree species shall be used with no one species comprising more than 40% of the total number of required trees throughout the project. The Department of Agriculture and Natural Resources shall review the landscape plan to ensure the species are native or drought tolerant and provide for diversity for habitat for wildlife.
8. The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) reuse water, (2) treated stormwater; (3) non-potable quality groundwater. Prior to Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems.

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/WPE(Agriculture - 1 dwelling unit per 5 acres/Watershed Protection Evers) to PDPI (Planned Development Public Interest) and rezoning out of the Watershed Overlay 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.

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTH ½ OF SECTION 17, TOWNSHIP 35 S., RANGE 19 E., SOME BEING THE SOUTHEAST CORNER OF THE NORTH ½ OF SECTION 18, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 89° 34' 40 E., ALONG THE SOUTHERLY LINE OF THE NORTH ½ OF SAID SECTION 17, A DISTANCE OF 187.55 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF LAKEWOOD RANCH BOULEVARD (FORMERLY UPPER MANATEE RIVER ROAD

EXTENSION), A 120 FEET WIDE PUBLIC RIGHT-OF-WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1429, PAGE 3703 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT BEING A POINT ON THE ARC OF A CURVE TO THE RIGHT, WHOSE RADIUS POINT LIES N. 63° 58' 46" E., A RADIAL DISTANCE OF 2310.00 FEET; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 23° 42' 37", A DISTANCE OF 955.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 02° 18' 37" W. ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 1736.20 FEET TO THE INTERSECTION WITH THE COMMON SECTION LINE TO SECTIONS 7 AND 18, TOWNSHIP 35 SOUTH, RANGE 19 EAST, SAID POINT LYING N.88° 45' 31" W., 141.64 FEET FROM THE SECTION CORNER COMMON TO SAID SECTIONS 7 AND 18; THENCE CONTINUE N.02° 18' 37" W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 339.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 4060.00 FEET AND A CENTRAL ANGLE OF 06° 59' 18"; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 495.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 04° 40' 41" E., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 603.79 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF THE MANATEE COUNTY YMCA PROPERTY, RECORDED IN OFFICIAL RECORDS BOOK 1729, PAGE 6742, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THE FOLLOWING SIX (6) CALLS ARE ALONG SAID NORTH LINE; THENCE N. 88° 30' 09 " W., A DISTANCE OF 824.59 FEET; THENCE S. 04° 07' 23" W., A DISTANCE OF 13.40 FEET; THENCE S. 49° 57' 25" W., A DISTANCE OF 51.21 FEET; THENCE S. 27° 51' 22" W., A DISTANCE OF 67.05 FEET; THENCE S. 64° 45' 44" W., A DISTANCE OF 31.01 FEET; THENCE S. 74° 46' 02" W., A DISTANCE OF 7.12 FEET; THENCE N. 40° 13' 33" W., A DISTANCE OF 583.80 FEET; THENCE N. 42° 12' 14" E., A DISTANCE OF 294.59 FEET ; THENCE N. 19° 38' 27" E., A DISTANCE OF 104.81 FEET; THENCE N.87° 08' 17" E., A DISTANCE OF 75.46 FEET; THENCE S. 59° 06' 15" E., A DISTANCE OF 54.56 FEET; THENCE S. 88° 21' 13" E., A DISTANCE OF 70.97 FEET; THENCE S. 87° 11' 33" E., A DISTANCE OF 50.79 FEET; THENCE S. 77° 09' 41" E., A DISTANCE OF 34.90 FEET; THENCE S. 63° 20' 21" E., A DISTANCE OF 61.49 FEET; THENCE S. 88° 04'14" E, A DISTANCE OF 58.26 FEET; THENCE N. 72° 42' 09" E., A DISTANCE OF 41.01 FEET; THENCE N. 26° 29' 07" E., A DISTANCE OF 28.22 FEET; THENCE N. 78° 35' 00" E., A DISTANCE OF 52.83 FEET; THENCE N. 64° 33' 59" W., A DISTANCE OF 57.70 FEET; THENCE N. 21° 03' 16", A DISTANCE OF 42.67 FEET; THENCE N. 54° 50' 36" E., A DISTANCE OF 42.43 FEET; THENCE N. 59° 56' 00" E., A DISTANCE OF 91.50 FEET TO A POINT ON THE NORTHWESTERLY EXTENSION OF THE WESTERLY LINE OF POND NO. 4, RECORDED IN OFFICIAL RECORDS BOOK 1540, PAGE 7918, OF SAID PUBLIC REOCRDS; THENCE S. 22° 59' 39" E., ALONG SAID NORTHWESTERLY EXTENSION AND THE WESTERLY LINE OF SAID PONE NO. 4, A DISTANCE OF 151.08 FEET TO THE SOUTH LINE OF SAID POND NO. 4 ; THENCE S. 85° 37' 31" E., ALONG SAID SOUTH LINE, A DISTANCE OF 390.87 FEET TO THE AFOREMENTIONED WESTERLY LINE OF LAKEWOOD RANCH BOULEVARD; THENCE S. 04° 40' 41" W., ALONG SAID WESTERLY LINE, A DISTANCE OF 613.37 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 775,016 SQUARE FEET OR 17.7919 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 26th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court



By: [Signature]
De



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 4th day of

Sept., 20 03.

R.B. SHORE
Clerk of Circuit Court

By: *Diane E. Vollmer* D.C.



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STATE OF FLORIDA
DEPARTMENT OF STATE

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

GLEND A E. HOOD
Secretary of State

JEB BUSH
Governor

September 8, 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 letters dated September 4 and 5, 2003 and certified copies of Manatee County Ordinance Nos. PDMU-92-01(Z)(G)(R9), PDPI-03-27(Z)(P) and 03-35, which were filed in this office on September 8, 2003.

As requested, the date stamped original is being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/mp