

FILED FOR RECORD  
R. B. SHORE

2005 DEC 20 PM 12: 59

CLERK OF DISTRICT COURT  
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE  
PDPI-04-30(Z)(G)-MANATEE COUNTY NORTH REGIONAL  
WASTEWATER TREATMENT PLANT

2005 DEC 14 11 31 AM  
TALLAHASSEE, FLORIDA

FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, 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 APPROXIMATELY 62.5 ACRES GENERALLY LOCATED AT 8100 69<sup>TH</sup> STREET EAST, PARRISH, FROM THE A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) ZONING DISTRICT TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN TO ALLOW THE EXISTING 162,738 SQUARE FOOT OF PLANT FACILITIES AND EXPANSION OF STORAGE TANKS, FILTERING SYSTEMS, CLARIFIERS, AERATION BASINS, GENERATORS, A SECURITY FENCE, AND OTHER FACILITIES; GRANTING SPECIAL APPROVAL FOR A PROJECT ADJACENT TO A PERENNIAL STREAM; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Manatee County Government has filed a rezone application to rezone approximately 65.2 acres described in Exhibit "A" attached hereto, (the "Property") from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDPI (Planned Development Public Interest) zoning district; and

**WHEREAS**, the Applicant has also filed a General Development Plan application to allow: the existing 16,315 sq. ft. of plant facilities and expansion of storage tanks, filtering systems, clarifiers, aeration basins, generators, a security fence, and other facilities (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed a request for Special Approval to allow for a project adjacent to a perennial stream; and

**WHEREAS**, the Planning Department has recommended approval of the rezone, General Development 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 November 10, 2005, to consider the rezone and General Development Plan, 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, General Development Plan, and Special Approval applications to be 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.

**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 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 Exhibit "A" of this Ordinance from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDPI (Planned Development Public Interest) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on December 1, 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 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 to allow: the existing plant facilities and expansion of storage tanks, filtering systems, clarifiers, aeration basins, generators, a security fence, and other facilities upon the Property subject to the Stipulations set out below:

**STIPULATIONS**

1. The Final Site Plan shall be fully detailed regarding all dimensions, building and structure heights, landscaping, and descriptions of each type of use or structure.
2. The Final Site Plan shall show a 20-foot roadway buffer along the east property line from the polishing pond to the north property line. This buffer shall contain a minimum of two canopy trees with 33 shrubs per 100 linear feet. If there is insufficient land for a 20 foot buffer, an alternate buffer may be approved by the Planning Director with the Final Site Plan. Existing vegetations may be used to meet the landscaping requirements. The landscaping shall be installed within two years of the Building Permit issuance.

3. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
  - a.) A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of Buffalo Canal. Any existing or proposed structures within the floodway shall be modeled.
  - b.) Any fill within the 25-year or 100-year floodplains of Buffalo Canal 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).
  - c.) There shall be a full 25-year attenuation on all stormwater ponds within the development.
  - d.) The existing 25-year flood elevation along Buffalo Canal shall be utilized as tailwater condition.
4. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Buffalo Canal. Modeling shall be used to determine pre- and post-development flows.
5. If impervious surface created by the additional proposed components, exceeds 500 s.f., stormwater calculations will be required to ensure that the increased volume is adequately supported by the existing retention areas.

**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 the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDPI (Planned Development Public Interest) 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 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 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. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

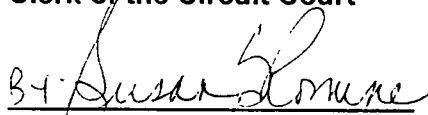
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 1<sup>st</sup> day of December, 2005.

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

  
\_\_\_\_\_  
Chairman



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

  
\_\_\_\_\_  
Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE PROPERTY**

Beginning At A Pt Where The East Ln Of The W 1/2 Of Sec 26, Intersects The Nly R/W Of The Seaboard Railroad; Run Th N Alg Sd E Ln 4897.92 Ft To The Ne Cor Of The Nw 1/4 Of Sec 26, Th W Alg The N Ln Of Sd Sec 26 A Dist Of 1308.87 Ft To A Concrete Monument, Being The Nw Cor Of The Ne 1/4 Of The Nw 1/4 Of Sd Sec 26, Th N To The Ne Cor Of The Sw 1/4 Of The Sw 1/4 Of Sec 23 A Dist Of 1286.48 Ft; Th W Alg The N Ln Of The Sw 1/4 Of The Sw 1/4 Of Sec 23 & Cont W Alg The N Ln Of The Se 1/4 Of The Se 1/4 Of Sec 22, A Total Dist Of 1916.08 Ft; Th Sly 5925.87 Ft To A Concrete Monument On The N R/W Ln Of Erie Rd, Sd Concrete Monument Being 409.80 Ft W & 587 Ft N Of The Sw Cor Of Sec 26, Th E Alg The N R/W Ln Of Erie Rd A Dist Of 1904.12 Ft; Th S Alg The E R/W Ln Of Road Running N & S A Dist Of 876.53 Ft To The Nly R/W Ln Of Sd Seaboard Railroad; Th Nely Alg Th Nly R/W Ln Of Seaboard Railroad 1267.63 Ft To The Pob. Sd Lands Being Parts Of Sec 22, 23, 26, 27 And 35 Twn 33s, Rng 18e. And, Lands Desc By Quit Claim Deed Rec In Or 903/1898 Per Boundary Agreement Rec In Or 903/1885: Commence At A Concrete Monument Marking The Se Cor Of Sec 27; Th N 89 Deg 14 Min 27 Sec W, Alg The S Ln Of Sd Sec 27, 363.63 Ft; Th N 00 Deg 51 Min 11 Sec W 642.67 Ft To A Concrete Monument Marking The Occupied R/W Of Erie Rd; Th Cont N 00 Deg 51 Min 11 Sec W, Passing Through A Concrete Monument At 210.00 Ft, 1511.22 Ft To The Intersection With The Ely Ln Of Pursley Zoysia Grass Company, For A Pob; Th Cont N 00 Deg 51 Min 11 Sec W 3110.16 Ft To A Concrete Monument Marking The Intersection With The N Ln Of Sd Sec 27, Sd Pt Lying 493.60 Ft W Of The Ne Cor Of Sd Sec 27, As Measured Alg Sd N Sec Ln; Th N 00 Deg 52 Min 43 Sec W, 1311.55 Ft To The Intersection With The N Ln Of The Se 1/4 Of The Se 1/4 Of Sec 22, Th S 89 Deg 05 Min 01 Sec E, Alg The N Ln Of Sd Se 1/4 Of The Se 1/4, 89.91 Ft To The Intersection With Sd Pursley Zoysia Grass Company Easterly Ln, Sd Pt Lying 517.60 Ft W Of The Ne Cor Of Sd Se 1/4 Of The Se 1/4, As Measured Alg The N Ln Of Sd Se 1/4 Of The Se 1/4, Th S 00 Deg 18 Min 16 Sec W, Alg Sd Pursley Zoysia Company Easterly Ln, 4419.83 Ft To The Pob. Being & Lying In Sec 22 & 27. Less Lands Desc By Quit Claim Deed Rec In Or 903/1900 Per Bondary Agreement Rec In Or 903/1885: Commence At A Concrete Monument, Marking The Se Cor Of Sec 27; Th N 89 Deg 14 Min 27 Sec W, Alg The S Ln Of Sd Sec 27, 363.63 Ft; Th N 00 Deg 51 Min 11 Sec W, 642.67 Ft To A Concrete Monument Marking The Occupied N R/W Of Erie Rd For A Pob; Th Cont N 00 Deg 51 Min 11 Sec W, Passing Through A Concrete Monument At 210.00 Ft, 4302.08 Ft To The Intersection With The Wly Ln(Massey Deed Ln), As Desc & Rec In Or 13/407, Th S 00 Deg 26 Min 13 Sec E Alg Sd Wly Ln, 4301.72 Ft To The Intersection With The Occupied N R/W Of Sd Erie Rd; Th E, Alg Sd Occupied N R/W, 31.25 Ft To The Pob, Being & Lying In Sec 27. And Less, Commence At The Se Cor Of Sec 27, Th N Alg The E Ln Of Sd Sec 27 A Dist Of 587.00 Ft To The N R/W Ln Of Erie Rd; Th Wly Alg Sd N R/W Ln Of Erie Rd 199.80 Ft For A Pob; Th Wly 210 Ft To The E Ln Of Lands Owned By Pursley Zoysia Grass Company; Th N 01 Deg 48 Min 07 Sec W Alg Sd Ln 210 Ft; Th Ely Parallel To The N R/W Ln Of Sd Erie Rd 210 Ft; Th S 01 Deg 48 Min 07 Sec E 210 Ft To The Pob. And Also Less, Add R/W For Erie Rd Lying Within 42 Ft N & E Of The Survey Ln As Desc In Or 922/31 & 32 Prmcfl, Less Or 1886/5491 Desc As Follows: A Portion Of The Sw 1/4 Of The Sw 1/4 Of Sec 23-33s-18e And Of The S 1/2 Of The Se 1/4 Of Sec 22, Being More Particulary Desc As Follows: Beg At The Ne Cor Of The Sw 1/4 Of The Sw 1/4 Of Sd Sec 23, Th S 02 Deg 28 Min 17 Sec W, Alg The E Ln Of Sd Sw 1/4 Of The Sw 1/4, A Dist Of 488.57 Ft; Th N 89 Deg 29 Min 46 Sec W, A Dist Of 274.69 Ft; Th N 81 Deg 12 Min 29 Sec W, A Dist Of 128.29 Ft; Th N 70 Deg 07 Min 11 Sec W, A Dist Of 1098.34 Ft; Th

N 69 Deg 54 Min 37 Sec W, A Dist Of 298.49 Ft To An Int With The N Ln Of The S 1/2 Of The Se 1/4 Of Sd Sec 22; Th S 89 Deg 35 Min 55 Sec E, Alg Sd N Ln, A Dist Of 425.96 Ft To The Nw Cor Of Sd Sw 1/4 Of The Sw 1/4; Th S 89 Deg 45 Min 50 Sec E, A Dist Of 1309.88 Ft To The Pob. Containing 11.67 Acres, M/L. Pi#6557.0010/9



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 9<sup>th</sup> day of

December, 2005.

R.B. SHORE  
Clerk of Circuit Court

By: Diane E. Volmer, D.C.

FILED IN RECORD  
R. B. SHORE

2005 DEC 20 PM 12:57

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**David E. Mann**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

December 16, 2005

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 9, 2005 and certified copies of Manatee County Ordinance Nos. PDMU-96-01(G)(R5), PDPI-04-30(Z)(G), PDR-05-34(Z)(P), PDR-05-01(Z)(P) and 05-54, which were filed in this office on December 14, 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

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