

FILED FOR RECORD  
R. B. SHORE

2009 NOV 13 AM 9:32

CLERK OF THE COUNTY COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE  
PDPI-09-11(G) – SOUTHWEST WATER RECLAMATION FACILITY  
DTS #20090180**

FILED  
2009 NOV -9 AM 10:43  
CLERK OF THE COUNTY COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR THE EXPANSION OF EXISTING WATER RECLAMATION FACILITY TO ADD TWO NEW TEN MILLION GALLON STORAGE TANKS, ONE NEW CLARIFIER, AND TWO AERATION BASINS ON A PROJECT AREA OF APPROXIMATELY 69 ACRES WITHIN THE 363.87± ACRE SITE LOCATED AT 5105 65<sup>TH</sup> STREET WEST, BRADENTON; 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 (the "Applicant") filed an application for a General Development Plan for approximately 363.87 acres described in Exhibit "A", attached hereto, (the "Property") for the expansion of an existing water reclamation facility to add two new ten million gallon storage tanks, one new clarifier, and two aeration basins on a project area of approximately 69 acres within the 363.87 ± acre site; and~~

**WHEREAS**, the applicant file a request for Specific Approval for an alternative to LDC Section 722.1.4.4; and

**WHEREAS**, Planning staff recommended approval of the General Development Plan and Specific Approval, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing October 8, 2009 to consider the General Development Plan application, received the staff recommendation, 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 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 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, after considering the testimony, evidence, documentation, 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 a General Development Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on November 3, 2009 regarding the proposed General Development Plan 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 the public hearing.

C. The proposed General Development Plan 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 and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.1, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree because the request for additional water treatment and storage equipment will not increase pedestrian activity in the area.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for the expansion of an existing water reclamation facility to add two new ten million gallon storage tanks, one new clarifier, and two aeration basins on a project area of approximately 69 acres within the 363.87 ± acre site upon the Property subject to the following Stipulations:

**STIPULATIONS**

**DESIGN AND LAND USE CONDITIONS:**

1. **Any new pole and building mounted lights shall be in compliance with LDC Section 709, but in no case shall the light fixtures be greater than 20' in height. Compliance of this condition shall be reviewed at time of Final Site Plan approval.**
2. **Applicant shall provide screening for the two 50' tall storage tanks through planting of trees and shrub layer vegetation, the details of which shall be reviewed and approved with the Final Site Plan.**

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for an alternative to LDC Section 722.1.4.1 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof.

**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, or other provision shall be deemed severable, and such invalidity or

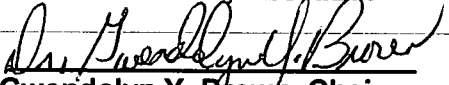
unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 5. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

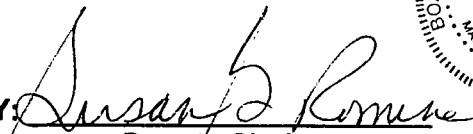
**Section 6. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 3<sup>rd</sup> day of November, 2009.

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

**BY:**   
**Dr. Gwendolyn Y. Brown, Chairman**

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

**BY:**   
**Deputy Clerk**



**EXHIBIT "A"**

**THE LEGAL DESCRIPTION OF SAID PROPERTY IN MANATEE COUNTY FLORIDA, BEING:**

DESCRIPTION: MANATEE COUNTY SOUTHWEST WASTEWATER TREATMENT PLANT (AS FURNISHED)

A PARCEL OF LAND LYING IN SECTIONS 8 AND 17, TOWNSHIP 35 S., RANGE 17 E., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 8; THENCE S 00°28'24" E. ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 65 FT. TO THE, SOUTH R/W LINE OF CORTEZ ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE S 00°28'24" E, ALONG SAID SECTION LINE, 5255.38 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 8, ALSO BEING THE NORTHWEST CORNER OF SECTION 17; THENCE S 00°26'18" E, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 2328.66 FT.; THENCE N 89°55'04" E, 1325.96 FT.; THENCE N 00°27'43" W, 2325.36 FT. TO THE NORTH LINE OF SAID SECTION 17, ALSO BEING THE SOUTH LINE OF SECTION 8; THENCE N 00°24'07" W, 836.48 FT.; THENCE S 89°59'43" E, 1326.82 FT.; THENCE S 89°54'39" E, 1324.71 FT.; THENCE N 00°23'16" W, 1826.27 FT.; THENCE N 89°52'04" W, 1323.37 FT. TO THE CENTER OF SAID SECTION 8; THENCE N 00°51'44" W, 663.44 FT.; THENCE S 89°58'09" W, 1989.36 FT.; THENCE N 00°34'13" W, 1929.76 FT. TO THE SOUTH R/W LINE OF CORTEZ ROAD; THENCE N 89°55'19" W, ALONG SAID R/W LINE, 659.75 FT. TO THE POINT OF BEGINNING.

ALSO IN SECTION 8, TOWNSHIP 35 S., RANGE 17 E., THE WEST 225 FT. OF NORTHEAST 1/4 OF SOUTHEAST 1/4 AND NORTH 495 FT. OF WEST 225 FEET OF SOUTHEAST 1/4 OF SOUTHEAST 1/4, ALSO BEGINNING AT SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SOUTHWEST 1/4 SECTION 8; THENCE S 89°56'21" E, ALONG SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 1500 FT.; THENCE N 00°20'44" W, 500 FT.; THENCE N 49°39'11" E, 519.82 FT.; THENCE N 89°54'39" W, 573.18 FT.; THENCE N 89°59'43" W, 1326.82 FT.; THENCE S 00°24'07" E, 836.48 FT. TO THE POINT OF BEGINNING.

LESS ROAD RIGHT-OF-WAY FOR 66TH STREET WEST AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1289, PAGE 3007, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND LESS ROAD RIGHT-OF-WAY FOR 53RD AVENUE WEST.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.



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 3<sup>rd</sup> day of November, 2009  
R.B. SHORR  
Clerk of Circuit Court  
By: Nancy Harris D.C.



# FLORIDA DEPARTMENT *of* STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

**CHARLIE CRIST**  
Governor

FILED FOR RECORD  
R. B. SHORE

2009 NOV 13 AM 9:31

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA  
**KURT S. BROWNING**  
Secretary of State

November 10, 2009

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

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 5, 2009 and certified copies of Manatee County Ordinance Nos. PDMU-08-29(Z)(P), PDPI-09-11(G) and 09-48, which were filed in this office on November 9, 2009.

As requested, one date stamped copy is being returned for your records.

Sincerely,

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

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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