

2009 AUG 20 PM 3:13

ORDINANCE NO. 09-06

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE MANATEE COUNTY COMPREHENSIVE PLAN FROM AG/R AGRICULTURAL/RURAL TO P/SP(1) PUBLIC/SEMI PUBLIC(1) WITH A DECLARED USE AS A CLASS III GEOSYNTHETICALLY-LINED LANDFILL AND RECYCLING FACILITY WITH ACCESSORY USES ON LANDS LOCATED ON THE WEST SIDE OF COUNTY ROUTE (CR) 39 AT THE MANATEE-HILLSBOROUGH COUNTY LINE AT 14215, 14307, AND 14415 FRONTING CR39, NORTH OF DUETTE; CONSISTING OF 208.15± ACRES; AND PROVIDING FOR AN ASSOCIATED TEXT AMENDMENT TO THE GENERAL INTRODUCTION - SPECIAL PLAN INTERPRETATION PROVISIONS OF THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, titled the Local Government Comprehensive Planning and Land Development Regulation Act, (the "Act") empowers and requires the County (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-09-04 initiated by the Applicant is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element and a text amendment to Section D - Special Plan Interpretation Provisions of the General Introduction Chapter of the Manatee County Comprehensive Plan, consistent with Chapter 163, Part II, Florida Statutes; and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, as established by Ordinance 90-01, considered Application PA-09-04 to amend the Comprehensive Plan, in order to more adequately address Manatee County's future development and growth; and

WHEREAS, the minimum statutory and plan administration requirements for public participation for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan provided herein, have been met or exceeded; and

WHEREAS, on April 9, 2009, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on April 21, 2009, to consider the transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Sec. 163.3184, F.S.; and

WHEREAS, the State Land Planning Agency by letter dated June 29, 2009, transmitted their Objections, Recommendations, and Comments Report on the amendment to the Comprehensive Plan; and

WHEREAS, said amendment to the Comprehensive Plan has been revised as appropriate to insert text in view of the report of the State Land Planning Agency in order to resolve the issues raised in said report; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on August 11, 2009, the Board of County Commissioners of Manatee County, Florida held another public hearing, with due public notice having been provided, to consider adoption of said the proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during the public hearings, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and objections, recommendations, and comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163, Part II, Florida Statutes; and

WHEREAS, the intent and purpose of the P/SP(1) Future Land Use Classification is to recognize major facilities, which may have adverse aesthetic or welfare impacts on adjacent property; and

WHEREAS, an applicant requesting the P/SP(1) Future Land Use Classification is required to declare a specific use for the subject property and the Applicant has stated a declared use of a Class III geosynthetically-lined landfill and recycling facility with accessory uses, as described in the Application; and

WHEREAS, the Applicant has submitted with its Application information and analysis on the compatibility of the proposed uses with surrounding development; and

WHEREAS, prior to any development occurring upon the subject property, under

the P/SP(1) Future Land Use Classification, a rezoning to Planned Development with an accompanying preliminary site plan will be required to be submitted to the Board of County Commissioners with stipulations to address potential compatibility issues; and

WHEREAS, in exercise of this authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the amendment of the Comprehensive Plan to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, the Technical Support Document for the Manatee County Comprehensive Plan includes background material and justification for the amendment to the Comprehensive Plan; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance. Based upon the findings made relative to the proposed map amendment to the Future Land Use Element and the text amendment to the General Introduction Chapter of the Comprehensive Plan, it has been determined that it is in the best interest of the health, safety and welfare of the citizens of Manatee County to amend the existing Future Land Use Map designation and the General Introduction text subject to the conditions in D.5.3 in Section 3 of this ordinance. The applicant has represented to Manatee County that there is no Class III Landfill currently located in any of the three neighboring coastal counties. Therefore, the Comprehensive Plan should be amended as described in Section 3 and 4 below.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, is hereby amended to adopt the revision to the General Introduction Chapter:

Section D – Special Plan Interpretation Provisions – to add a new Subsection to D.5 Specific Property-Development conditions applicable to the property described in Exhibit A attached hereto and made a part hereof by reference. The text amendment as set for below has additions indicated by underlining and deletions by ~~strikeout~~.

D.5.2 Specific Property – Development Conditions

D.5.1 Ordinance 08-06 (PA-08-06)

* * *

D.5.2 Ordinance 08-07 (PA-09-05)

* * *

D.5.3 Ordinance 09-06 (PA-09-04)

The 208.15+ acre property located on the west side of County Route (CR) 39 at the Manatee-Hillsborough County line and designated as P/SP(1) Public/Semi Public (1) on the Future Land Use Map, pursuant to Manatee County Ordinance No. 09-06 and Comprehensive Plan Amendment No. PA-09-04, shall be limited to the declared use of a Class III, geosynthetically-lined landfill and recycling facility with accessory uses such as office, scale house, and equipment storage. This landfill shall accommodate only yard waste, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Florida Department of Environmental Protection that are not expected to produce leachate which poses a threat to public health or the environment. No putrescibles or household garbage shall be delivered to or deposited in the landfill at this site.

This property shall be subject to the following:

1. Landfill Liner System Requirements. The landfill shall include a liner system that is consistent with applicable Florida Department of Environmental Protection rules in Chapter 62-701, F.A.C., as may be amended by the agency from time to time.
2. Hydrology. The hydrology of downstream surface waters shall be maintained by matching pre-development discharge flows.
3. Surface Water and Groundwater Monitoring. The landfill operator shall establish a surface and groundwater quality monitoring program performed in accordance with applicable Florida Department of Environmental Protection rules in Chapter 62-701, F.A.C., as may be amended by the agency from time to time.
4. Stormwater Management. The landfill operator shall design and construct all necessary stormwater management facilities in compliance with applicable Florida Department of Environmental Protection and SWFWMD rules in Chapters 62-701 and 40D-4, F.A.C., respectively, as may be amended by the agency from time to time to include consideration of water quality, habitat function, receiving waters, adjacent property(s), conservation of fish and wildlife, and wetlands.
5. Dust, Wind Blown Debris, Odor, and Bird Controls. The landfill operator shall design, construct, operate, and maintain all dust, wind-blown debris, odor, and bird controls required and in compliance with applicable Florida Department of

Environmental Protection rules in Chapter 62-701, F.A.C., as may be amended by the agency from time to time.

6. Buffers, Setbacks, and Siting. The landfill operator shall design, construct, and maintain all required and established buffers, setbacks, and landfill siting requirements in compliance with applicable Florida Department of Environmental Protection rules in Chapter 62-701, F.A.C., as may be amended by the agency from time to time.
7. Notwithstanding, the specificity of the foregoing, the above specific property development conditions shall be considered as minimal requirements and there may be additional stipulations approved applicable to this property as part of the rezoning to the Planned Development Public Interest (PDPI) Zone District and companion Preliminary Site Plan subject to the approval of the Board of County Commissioners.

Section 4. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property described in Exhibit "A" hereto which is incorporated herein by reference, from the AG/R Agricultural/Rural Future Land Use Classification to the P/SP(1) Public/Semi Public(1) Future Land Use Classification with a declared use as a Class III geosynthetically-lined landfill and recycling facility with accessory uses such as office, scale house, and equipment storage. Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County's Comprehensive Plan.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be deemed severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: This Ordinance shall take effect immediately upon the State Land Planning Agency, as defined in Section 163.3164, Florida Statutes, issuing a final order finding the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or upon the Administration Commission issuing a final order finding the Ordinance to be in compliance if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing in accordance with Section 163.3184(10), Florida Statutes, whichever occurs first.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting

this 11th day of August, 2009.

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

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

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

By: *Susan P. Lomine*
Deputy Clerk

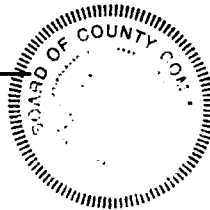


Exhibit A

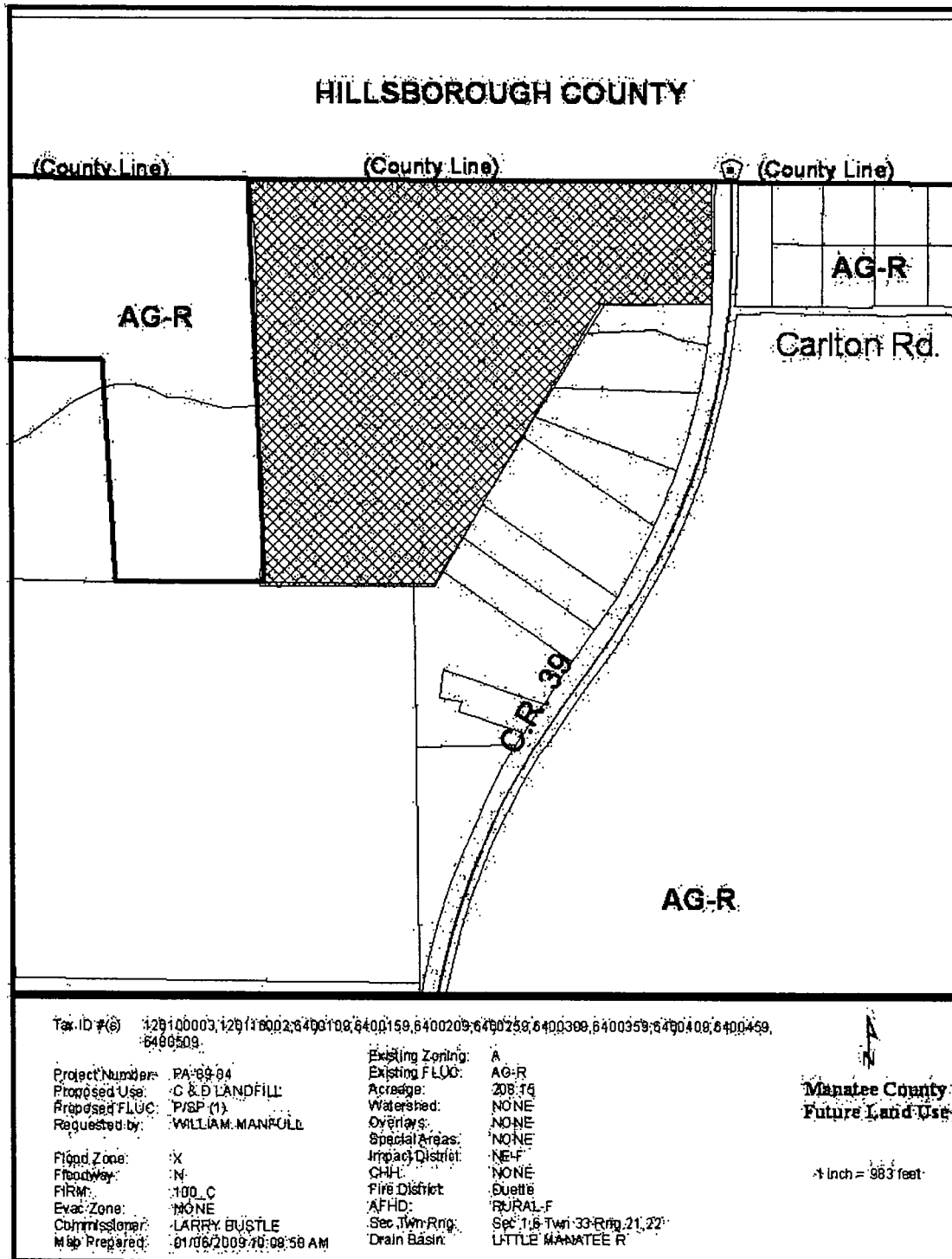


EXHIBIT A
Legal Descriptions

Description Parcel 1

Begin at a point 170.00 feet East of the SE corner of the NE1/4 of Section1, Township 33 South, Range 21 East, Manatee County, Florida, run thence West 170.00 feet; thence North to the North line of Section 6, Township 33 South, Range 22 East, thence East to the half section line of said Section 6; thence South along said half section line, 1042.00 feet; thence West 1150.00 feet; thence Southwesterly to Point of Beginning, lying and being in Section 6, Township 33 South, Range 22 East. LESS parcel recorded in Official Records Book 1817, Page 706 described as follows: That portion of the North 1/2 of the NW 1/4 of Section 6, Township 33 South, Range 22 East, Manatee County, Florida lying East of the East right of way line of State Road Number 39, LESS right of way for Carlton Road as per Road Plat Book 9, Pages 18 through 64 of the Public Records of Manatee County, Florida.

Description Parcel 2

The NE1/4 of the NE1/4 of Section1, Township 33 South, Range 21 East, Manatee County, Florida.

Description Parcel 3

The SE1/4 of the NE1/4 of Section 1, Township 33 South, Range 21East, Manatee County, Florida. TOGETHER WITH a 50 foot easement for ingress and egress as described in Official Records Book 1074, Page 3333 and corrected in Official Records Book 1478, Page 7128 of the Public Records of Manatee County, Florida.



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 13 day of

August, 20 09
R.B. SHORE
Clerk of Circuit Court.

By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE

2009 AUG 20 PM 3:13

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

August 18, 2009

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 12, 2009 and certified copies of Manatee County Ordinance Nos. PDMU-09-09 (Z) (G), 09-06 and 09-31, which were filed in this office on August 17, 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>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282