

MANATEE COUNTY ZONING ORDINANCE  
PDI/PDPI-01-01(Z)(P) - F. BROWNE GREGG/CPV GULFCOAST LTD.

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 LM (LIGHT MANUFACTURING) AND A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDI (PLANNED DEVELOPMENT INDUSTRIAL) AND PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 250 MEGAWATT NATURAL GAS FIRED POWER PLANT.

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 LM (Light Manufacturing) and A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDI (Planned Development Industrial) and PDPI (Planned Development Public Interest).

B. The Board of County Commissioners held a public hearing on May 22, 2001 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 250 megawatt natural gas fired power plant with the following stipulations:

STIPULATIONS

1. The existing caretaker's residence shall comply with Section 703.2.36 of the Code, and shall be relocated from its current location on the site to another location on site to be shown on the Final site Plan, prior to construction of the power plant facility.
2. Details of the fuel oil unloading area shall be provided with the Final Site Plan. Setbacks, circulation patterns, and specific tank locations shall be provided. In no instance shall any tank, pump, or other associated equipment be located within 25 ft. of the property line.

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R.B. CHASE  
CLERK OF COUNTY COURT  
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DEPARTMENT OF STRATEGIC  
PLANNING  
TALLAHASSEE, FLORIDA

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The applicant shall comply with all provisions of Section 723.3.7 pertaining to hazardous materials and toxic substances.

3. Use of the PDI property other than agriculture or as currently used, shall be prohibited without approval of a General or Preliminary Site Plan showing specific uses and approved by the Board.
4. The landscape buffers along Buckeye Road, Bud Rhoden Road and the south property boundaries shall be shown in detail on the Final Site Plan and shall be in conformance with the Preliminary Site Plan approved by the Board.
5. All existing non-exotic trees located on the PDI property shall be preserved.
6. All nuisance exotic species shall be removed from the power plant site prior to C.O.
7. The applicant shall maintain all operational sound levels of the plant in compliance with Section 2-21-34 of the Manatee County Code of Laws, as amended, and Section 723 of the Land Development Code. Any recurring exceedences shall be immediately addressed by the applicant and mitigated.
8. The applicant shall provide hurricane evacuation plans for the project prior to submittal of their Final Site Plan, in coordination with the County's Emergency Management Division, and require the implementation of such plans with funding for such planning and implementation provided by the developers of the project or their successors.
9. The applicant shall meet all county, as provided for in Section 723.3.6, state, and federal requirements regarding humidity, heat, vibration, and cold as generated by the cooling water.
10. No heavy industrial uses shall be allowed on the property zoned PDI. Adverse impacts statements shall be submitted with subsequent site plan approvals.
11. Representative tracts of native upland vegetation shall be preserved and shown on future Final Site Plan submittals.
12. The plat vacation for both the Givler's and John Piplack's Subdivisions shall be complete prior to issuance of a C.O. for this project.
13. Only domestic uses of potable water may be served by the Manatee County Potable Water System. Manatee County potable water system shall not be used for an irrigation system or cooling. Irrigation and cooling water for the facility shall be served by reclaimed water sources or by sources consistent with a water use permit issued by the water management district to serve this use.
14. The applicant shall develop pre and post disaster mitigation plans to be reviewed and approved by the Public Safety Department concurrent with Final Site Plan review.

15. Prior to Final Site Plan approval the applicant shall obtain SWFWMD Consumptive Use Permits or demonstrate a source for reclaimed water.
16. All natural gas pipelines to and throughout the property shall be clearly shown as such on the site plan, and must be buried at the appropriate depth and marked in accordance with applicable State and Federal Regulations.
17. For the first 2 years after beginning operations the applicant shall perform a semi-annual noise study to assure the plant meets the County Noise Ordinance, and this report shall be furnished to the County.
18. Natural gas shall be used as the source of fuel for the power plant unless natural gas becomes temporarily unavailable due to constraints in the natural gas system or other events beyond the control of CPV.
19. Change in type of primary fuel will require an amendment to the Preliminary Site Plan and a public hearing before the Board of County Commissioners.
20. Only #2 fuel oil or cleaner shall be used as a backup fuel source.
21. The applicant shall provide annual reports to the Board of County Commissioners regarding the plant's hours of operation, emissions of criteria pollutants, and number of hours on oil to demonstrate a reduction of emissions in the Tampa Bay Air Shed compared to if the project was not operational. To the extent such information is available a comparison of the plants operation versus other power plants of similar size or larger, located in the Tampa Bay Air Shed will be provided.
22. The applicant shall notify the Environmental Management Department within 48 hours of the use of oil.
23. The applicant shall notify the Board of County Commissioners of any application for permit modification of its air or consumptive use permits.
24. The plant shall use a 0 liquid discharge, best available technology system, for recapturing water which would normally be lost in processing.

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 LM (Light Manufacturing) and A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDI (Planned Development Industrial) and PDPI (Planned Development Public Interest), 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.  
LOT 21, JOHN PIPLACK'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 145 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LOTS 5, 6, 7, THE SOUTH 1/4 OF LOT 8, AND THE SOUTH 1/3 OF LOTS 2, 3, AND 4, OF GIVLER'S SUBDIVISION, BEING A RE-SUBDIVISION OF LOTS 14 AND 20 OF JOHN PIPLACK'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 145, MANATEE COUNTY, FLORIDA.

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 1645, PAGE 1850, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, GIVLER'S SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 145 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT THE \*NORTHEAST CORNER RUNNING WEST 330 FEET, THENCE SOUTH 1,120 FEET, MORE OR LESS, TO THE CENTER OF COUNTY CANAL RUNNING DUE EAST AND WEST, THENCE EAST 330 FEET, THENCE NORTH 1,120 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

\*LOCATION OF THE POINT OF BEGINNING AS ESTABLISHED BY THIS DEED IS AMBIGUOUS. VARIOUS INTERPRETATIONS OF THE INTENT OF SAID POINT OF BEGINNING ARE DEPICTED HEREON AS SCENARIO "A" AND SCENARIO "B".

THE ABOVE CONTAINING 127.71 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 22nd day of May, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA



BY: Joe McIlash  
Chairman

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

By: Susan Plomin



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 24<sup>th</sup> day of

May, 2001

R. B. SHORE  
Clerk of Circuit Court

By: Susan Plomin c.c.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

May 30, 2001

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

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 24, 2001 and certified copies of Manatee County Ordinance Nos. PDI/PDPI-01-01(Z)(P), PCD-00-12(Z)(P) and PDR-00-12(Z)(P), which were filed in this office on May 29, 2001.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Forms were not received for the above mentioned ordinances.

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

Sincerely,

*Liz Cloud* ak

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD  
R. B. SHORE  
CLERK OF CIRCUIT COURT  
MANATEE COUNTY  
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FILED FOR RECORD  
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BUREAU OF ADMINISTRATIVE CODE

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