

**MANATEE COUNTY ZONING ORDINANCE
PDMU-09-04(Z)(G) – SR 62 MEMORIAL PARK DTS #20090019**

2009 MAY 21 AM 10:22

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 56.1 ACRES ON THE SOUTH SIDE OF SR 62, SOUTH OF THE INTERSECTION OF SR 62 AND KEEN ROAD, AT 15471 SR 62, PARRISH FROM PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY) TO THE PDMU/NCO (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY; APPROVE A GENERAL DEVELOPMENT PLAN FOR A CEMETERY AND ASSOCIATED FACILITIES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Riverwood, LLC (the "Applicant") filed an application to rezone approximately 56.1 acres described in Exhibit "A", attached hereto, (the "property") from PDR/NCO (Planned Development Residential/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) zoning district, retaining the North Central Overlay; and

WHEREAS, the applicant also filed a General Development Plan application for a cemetery and associated facilities (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for the temporary use of one septic tank system in the Wastewater Service Area; and

WHEREAS, the applicant also filed a request for Specific Approval of an alternative to Section 722.1.4.3 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, General Development Plan, Special Approval, 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 on April 9, 2009 to consider the rezone, General Development Plan, Special Approval, and Specific Approval, 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:

FILED
2009 MAY 21 AM 11:03
CLERK OF DISTRICT COURT
MANATEE CO. 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, 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 PDR/NCO (Planned Development Residential/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) zoning district, retaining the North Central Overlay.

B. The Board of County Commissioners held a duly noticed public hearing on May 7, 2009 on regarding the 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.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the General Development Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.3, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulation to an equivalent degree because the applicant will be required to pay into the Sidewalk Fund, so the County may ensure adequate connectivity at some time in the future.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a cemetery and associated facilities on the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. A cemetery will be established at this location when the principle building associated with the cemetery has been constructed or the site has been licensed by the State of Florida as a cemetery. Once either of these steps has been achieved, the project shall be considered in compliance with the planned development approval for purposes of establishing the use.
2. A Final Site Plan must be submitted for each phase that is developed.

3. Any dumpsters, compactors, or other utility equipment shall be screened from view of SR 62 and surrounding property with a six foot high opaque wall or fence.
4. The applicant shall pay into the county sidewalk fund an amount equivalent to the cost of constructing a sidewalk along the south side of SR 62.

B. TRANSPORTATION CONDITIONS:

1. Prior to or in conjunction with the first Final Site Plan approval, 40 feet of right-of-way (100 feet half-width) for SR 62 shall be dedicated to Manatee County.

C. INFRASTRUCTURE CONDITIONS:

1. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
2. Should sanitary sewer and potable water become available in this area, the cemetery shall connect to the Centralized Sewer System and potable water system and disconnect the septic system and well within the timeframe specified by the Manatee County Public Works Department.

D. STORMWATER CONDITIONS:

1. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. 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 Gamble Creek. Modeling shall be used to determine pre- and post- development flows.

E. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
2. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval.
3. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.
4. The General Development Plan (GDP) is conceptual in nature. Pursuant to Comprehensive Plan Policy 3.3.2.2 and Section 721.4.3 of the LDC Upland Preservation shall be addressed with the Preliminary Site Plan.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for the temporary use of one septic tank system in the Wastewater Service Area. This Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 722.1.4.3 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. 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 classification of the property identified in Exhibit "A" herein from PDR/NCO (Planned Development Residential/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) zoning district, retaining the North Central Overlay, 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 Official Zoning Atlas.

Section 5. 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, sentence, 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 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. 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 7th day of May, 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: Justin A. Lomax
Deputy Clerk



EXHIBIT "A"

Legal Description

LEGAL DESCRIPTION (AS FURNISHED BY CLIENT)

THAT PART OF THE NE 1/4 OF THE SE 1/4 LYING SOUTH OF
STATE ROAD 62 AND THE SE 1/4 OF THE SE 1/4 OF SECTION 22,
TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY FLORIDA.

CONTAINING 56.11 ACRES MORE OR LESS



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 13TH day of

MAY 2009
R.B. SHORE
Clerk of Circuit Court

By: Harvey Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE

2009 MAY 21 AM 10:21

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

May 15, 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 May 13, 2009 and certified copies of Manatee County Ordinance Nos. PDC-08-23 (P), PDC-08-26 (Z) (P), PDMU-09-04 (Z) (G), Z-08-01, 09-17, 09-28, 09-41 and PDR-06-63 (Z) (G), which were filed in this office on May 15, 2009.

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

Sincerely,

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://dliis.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