

FILED FOR RECORD
R. B. SHORE

FILED
2009 MAR 16 AM 11:54
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2009 MAR 24 AM 7:55

**MANATEE COUNTY ZONING ORDINANCE
PDPI-09-01(Z)(G) – FPL MANATEE SOLAR ENERGY CENTER DTS #20080373**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE 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 620 ACRES AT 19050 SR 62, PARRISH FROM A (GENERAL AGRICULTURE) TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN TO ADD THREE SOLAR ENERGY THERMAL FIELDS AND A SOLAR STEAM GENERATION BUILDING; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (± 620 ACRE REZONE, ± 883 ACRE SITE PLAN APPROVAL).

WHEREAS, Florida Power & Light (the "Applicant") filed an application to rezone approximately 620 acres described in Exhibit "A", attached hereto, (the "property") from A (General Agriculture) to the PDPI (Planned Development Public Interest) zoning district; and

WHEREAS, the applicant also filed a General Development Plan application to add three solar energy thermal fields and a solar steam generation building (the "project") on the property; and

WHEREAS, Planning staff recommended approval of the rezone and General Development Plan 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 February 12, 2009 to consider the rezone and General Development Plan, 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, 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 A (General Agriculture) to the PDPI (Planned Development Public Interest) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on March 5, 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.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved to add three solar energy thermal fields and a solar steam generation building on the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Tree removal and replacement shall be fully addressed with subsequent Final Site Plan submittals.
2. Adverse impact information for possible off-site impacts for humidity, noise, or vibration shall be submitted with the Final Site Plan.

B. TRANSPORTATION CONDITIONS:

1. At the time of Preliminary, Final, or Construction Plan approval this project shall address Concurrency as well as be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

C. STORMWATER CONDITIONS:

1. Any fill within the 100-year floodplains of the Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year 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 a full 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.

3. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
4. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.

D. BUFFERS:

1. The applicant shall maintain the natural vegetation along the S.R. 62 road frontage to a depth of 100 ft. All trees to remain shall be clearly identified and shown to be preserved on the Final Site Plan.

E. ENVIRONMENTAL CONDITIONS:

1. A copy of the final site certification order from FDEP shall be submitted to the Planning Department prior to the start of construction.
2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County prior to or concurrent with Certificate of Completion release.
3. An updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species shall be submitted 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 the start of construction.
4. There are Bald Eagle nests adjacent to this site. Final Site Plans shall be designed in accordance with the applicable "Bald Eagle Management Plan" adopted by the Florida Fish and Wildlife Conservation Commission, or copies of applicable permits shall be provided to Planning staff for review prior to Final Site Plan approval.

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 classification of the property identified in Exhibit "A" herein from A (General Agriculture) 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 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 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 5. 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 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 5th day of March, 2009.

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

BY: 

Carol Whitmore, 1st Vice-Chairman

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

BY: 

Deputy Clerk



LEGAL DESCRIPTION

DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE S.87°35'15"E., ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 2,652.20 FEET TO NORTH QUARTER CORNER OF SAID SECTION 13 AND THE POINT OF BEGINNING; THENCE S.87°35'25"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2,652.16 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13; THENCE S.89°18'50"E., A DISTANCE OF 1,965.58 FEET; THENCE S.00°26'08"E., A DISTANCE OF 2,461.85 FEET; THENCE N.90°00'00"E., A DISTANCE OF 1,130.84 FEET; THENCE S.01°40'10"W., A DISTANCE OF 1,570.60 FEET; THENCE S.88°46'57"E., A DISTANCE OF 2,723.57 FEET; THENCE S.00°48'49"W., A DISTANCE OF 1,927.49 FEET, MORE OR LESS, TO THE NORTHERLY MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S.73°53'45"W., ALONG SAID MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 2,739.01 FEET; THENCE S.73°21'30"W., CONTINUING ALONG SAID MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 2,215.24 FEET TO A POINT OF CURVATURE, CONCAVE NORTHWEST, HAVING A RADIUS OF 2,226.83 FEET AND A CENTRAL ANGLE OF 17°01'30"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 661.69 FEET; THENCE N.89°37'06"W., A DISTANCE OF 392.67 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE N.00°16'30"E., ALONG SAID EAST LINE, A DISTANCE OF 2,222.56 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N.00°14'16"E., ALONG THE EAST LINE SAID SECTION 13, A DISTANCE OF 660.00 FEET TO THE NORTHEAST CORNER OF THE SOUTH 660 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N.89°10'24"W., ALONG THE NORTH LINE OF SAID SOUTH 660 FEET OF THE SOUTHEAST QUARTER, A DISTANCE OF 2,673.15 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SECTION 13; THENCE N.00°32'00"E., ALONG SAID WEST LINE, A DISTANCE OF 4,715.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 38,484,458.70 SQUARE FEET OR 883.48 ACRES, MORE OR LESS.

BEARINGS SHOWN IN THIS DESCRIPTION ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE (NORTH AMERICAN DATUM NAD'83/'90). THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 33 SOUTH, RANGE 19 EAST, BEING S87°35'25"E.

SUBJECT TO PERTINENT EASEMENTS, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD, IF ANY.

11/13/2008 - 171848 - Ver 1 - LDR/HNGE
02622-002-000 - 0



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 20 day of March, 2009

R.B. SHORE
Clerk of Circuit Court

By: Debi Jassner, C.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

FILED FOR RECORD
R. B. SHORE

2009 MAR 24 AM 7:55

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

March 17, 2009

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

Attention: Ms. Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 11, 2009 and certified copies of Manatee County Ordinance Nos. 09-01, 09-10, 09-14, PDI-01-01(P), PDPI-05-120(P)(R), PDR-08-05(Z)(P), Z-07-21, PDPI-07-28(Z)(P), PDMU-05-70(Z)(P) and PDPI-09-01(Z)(G), which were filed in this office on March 16, 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