

Manatee County Zoning Ordinance

PDPI-15-06(Z)(G)(R) – ALUM DEWATERING FACILITY – MANATEE COUNTY (OWNER) – PLN2304-0352

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO THE ZONING WITHIN THE UNINCORPORATED AREA; TOGETHER WITH AMENDING AND RESTATING ORDINANCE PDPI-15-06(Z)(G) TO ADD 9.93 ACRES; PROVIDING FOR THE REZONING OF 9.93 ACRES ON THE SOUTH PORTION OF A 146.83-ACRE SITE (136.9-ACRES COMPRISED OF 123.59 ACRES OF PDPI, 10.6 ACRES OF A, AND 2.71 ACRES OF CON ZONING DISTRICTS) LOCATED ON THE SOUTH SIDE OF WATERLINE ROAD, BRADENTON (MANATEE COUNTY) FROM A (GENERAL AGRICULTURE) TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN FOR THE ENTIRE 146.83-ACRE SITE FOR EXPANSION OF THE EXISTING WATER TREATMENT FACILITY, INCLUSIVE OF THE PREVIOUSLY APPROVED USES ON THE GDP, SUBJECT TO AMENDED STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County (the "Applicant") filed an application to add 9.93 acres; providing for the rezoning of 9.93 acres on the south portion of a 146.83-acre site (136.9-acres comprised of 123.59 acres of PDPI, 10.6 acres of A, and 2.71 acres of CON zoning districts) 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 Revised General Development Plan for the entire 146.83-acre site for expansion of the existing Water Treatment Facility, inclusive of the previously approved uses on the GDP (the "project") on the property; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on October 12, 2023, to consider the rezone, and revised General Development Plan applications 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, after due public notice, held a public hearing on November 2, 2023, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of 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 the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for the entire 146.83-acre site for expansion of the existing Water Treatment Facility, inclusive of the previously approved uses on the GDP upon the property subject to the following Stipulations:

A. ENVIRONMENTAL

1. There is a bald eagle's nest within or in close proximity to the boundaries of this project. The project shall be designed in accordance with the Florida Fish and Wildlife Conservation Commission's "Bald Eagle Management Plan" (April 2008).

B. DESIGN AND LAND USE

1. At time of FSP review for the expansion of the dewatering use on-site, the applicant will provide landscape screening along the project boundaries that abut the parcel to the east of the triangular parcel (PID# 560410300) as well as the subdivision to the south (Palm Grove Subdivision PID# 570316709) the type and amount of landscape material to be determined by the Environmental Planning Section.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference 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 Development Services 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, sentence, clause, or 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. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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 2nd day of November 2023.



**BOARD OF COUNTY
COMMISSONERS OF MANATEE
COUNTY, FLORIDA.**

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit "A"

Legal Description

Parcel ID: 560410003

East ½ of the East ½ of the Southwest ¼ of the Southeast ¼ of Section 25, Township 34 South, Range 19 East, of Manatee County, Florida, containing 9.93 acres, Less access road and pipeline right-of-way conveyed to Manatee County as described in Official Records Book 320, Page 296, Public Records of Manatee County, Florida.

Parcel ID: 560410359

Commence at the SE corner of Section 25, Township 34 South, Range 19 East of Manatee County, Florida; thence run N 45°26'52" W along right-of-way of County Road, 1200 feet for a Point of Beginning; thence run N 45°26'52" W, 425.45 feet to P.C. of curve; thence run Northwesterly along arc of curve having radius of 797.63 feet and a central angle of 44°12'30", an arc distance of 177.9 feet to Point on West line of SE ¼ of SE ¼ of Section 25; thence run S 0°22'46" W, 863 feet along said West line of SE ¼ of SE ¼ of Section 25; thence run N 44°33'08" E, 638.26 feet to Point of Beginning.

Parcel ID: 560700007

NW 1/4 OF SE 1/4, SEC 25; ALSO; BEG NE COR, SEC 25; THEN W 1340 FT M/L TO THE NW COR OF NE 1/4 OF NE 1/4; THEN S 2660 FT M/L, TO THE NE COR OF NW 1/4 OF SE 1/4 FOR A POB; THEN S A DIST OF 650 FT; THEN NELY 790 FT TO A PT ON THE N LN OF NE 1/4 OF SE 1/4 WHICH IS 440 FT E OF THE NW COR OF THE NE 1/4 OF SE 1/4; THEN 440 FT MORE OR LESS TO THE POB ALSO, S 50 FT OF NE 1/4 OF SW 1/4 AS DESC IN ORB 255 PGS 202 & 203, ALSO LAND DESC ORB 320 P 297 PRMCF; SUBJECT TO AN EASMT FOR INGRESS & EGRESS OVER THE W 25.00 FT AS DESC IN OR 1187 PG 3258. P-5-1 PI#5607.0000/7

Parcel ID: 560420002

LANDS LYING IN SEC 25 TWN 34S RNG 19 E DESC AS FOLLOWS: PARCEL NO. 4: E 1/2 OF E 1/2 OF SE 1/4 OF SW 1/4 OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA. CONTAINING 9.94 AC, M/L; ALSO PARCEL NO. 5: W 1/2 OF W 1/2 OF SW 1/4 OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA. CONTAINING 9.94 AC, M/L; ALSO; PARCEL NO. 6: E 1/2 OF W 1/2 OF SW 1/4 OF SE 1/4 OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA. CONTAINING 9.94 AC, M/L; ALSO; PARCEL NO. 7: W 1/2 OF E 1/2 OF SW 1/4 OF SE 1/4 OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA. CONTAINING 9.94 AC, M/L; ALSO PARCEL NO. 13: COM AT SW CORNER OF NE 1/4 OF SE 1/4 OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN N 00 DEG 22 MIN 46 SEC E ALG W LN OF NE 1/4 OF SE 1/4 11.20 FT FOR POB; TH RUN, N 00 DEG 22 MIN 46 SEC E 664.75 FT ALG W LN OF NE 1/4 OF SE 1/4 TO CNTY MONUMENT; TH RUN N 34 DEG 36 MIN 33 SEC E 597.93 FT TO START OF CNTY RESERVOIR DEED LN; TH RUN S 41 DEG 40 MIN 54 SEC E ALG SD RESERVOIR DEED LN 624.25 FT, TH RUN S 44 DEG 33 MIN 08 SEC W 1012 FT TO PT ON CR RW; TH RUN NWLY ALG SD CNTY RW AN ARC DIST OF 59.53 FT (HAVING A RAD OF 877.63 FT) TO POB. CONTAINING 10.31 AC, M/L; ALSO PARCEL NO. 14: COM AT SE COR

OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN S 89 DEG 23 MIN 52 SEC E, 57.46 FT TO PT ON C/L OF CR; TH RUN N 45 DEG 26 MIN 52 SEC W ALG C/L OF CR 1666.67 FT TO P.C. OF CURVE; TH RUN N 44 DEG 33 MIN 08 SEC E ALG RAD LN OF 40 FT TO PT ON RW OF SD CR FOR POB; TH RUN S 45 DEG 26 MIN 52 SEC E ALG R/W OF CR 17.57 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 981.55 FT; TH RUN N 55 DEG 40 MIN 57 SEC W 6.50 FT ALG RESERVOIR DEED LN TO CNTY MONUMENT NO. 3; TH RUN N 41 DEG 40 MIN 54 SEC W ALG RESERVOIR DEED LN 194.6 FT; TH RUN S 44 DEG 33 MIN 08 SEC W 1012 FT TO PT OF R/W OF CR; TH RUN SELY ALG R/W OF SD CR AN ARC DIST OF 183.9 FT (CURVE HAVE RAD OF 877.63 FT) TO POB. CONT 4.58 AC, M/L; ALSO PARCEL NO. 15: COM AT SE COR OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA, TH RUN S 89 DEG 23 MIN 52 SEC E 57.46 FT TO PT OF C/L OF CR; TH RUN, N 45 SEC 26 MIN 52 SEC W 1449.1 FT ALG C/L OF SD CR; TH RUN N 44 SEC 33 MIN 08 SEC E 40 FT TO PT ON RW OF CR FOR POB; TH RUN N 45 DEG 26 MIN 52 SEC W ALG R/W CR 200 FT TO PT OF RESERVOIR DEED LN; TH RUN S 55 DEG 40 MIN 47 SEC E ALG RESERVOIR DEED LN 202.95 FT; TH RUN S 44 DEC 33 MIN 08 SEC W 1017.25 FT TO POB. CONTAINING 4.59 AC, M/L; ALSO PARCEL NO. 16: COM AT SE COR OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN S 89 DEG 23 MIN 52 SEC E 57.46 FT TO PT ON C/L OF CR; TH RUN N 45 DEG 26 MIN 52 SEC W ALG SD C/L OF CR 1249.1 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 40 FT TO PT ON R/W OF SD CR FOR POB; TH RUN N 45 DEG 26 MIN 52 SEC W ALG SD R/W OF CR 200 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 1017.25 FT TO PT OF RESERVOIR DEED LN; TH RUN S 55 DEG 40 MIN 47 SEC E ALG RESERVOIR DEED LN 202.95 FT; TH RUN S 44 DEG 33 MIN 08 SEC W 1052.70 FT TO POB. CONTAINING 4.75 AC, M/L; ALSO PARCEL NO. 17: COM AT SE COR OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN S 89 DEG 23 MIN 52 SEC E 57.46 FT TO PT OF C/L OF CR; TH RUN N 45 DEG 26 MIN 52 SEC W ALG C/L OF CR 1049.1 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 40 FT TO PT ON R/W OF SD CR FOR POB; TH RUN N 45 DEG 26 MIN 52 SEC W ALG RW OF CR 200 FT, TH RUN N 44 DEG 33 MIN 08 SEC E 1052.70 FT TO PT ON RESERVOIR DEED LN; TH RUN S 55 DEG 40 MIN 47 SEC E ALG RESERVOIR DEED LN 94.55 FT; TH RUN S 52 DEG 09 MIN 13 SEC E ALG RESERVOIR DEED LN 108.5 FT; TH RUN S 44 DEG 33 MIN 08 SEC W 1083.2 FT TO POB. CONTAINING 4.90 AC, M/L; ALSO PARCEL NO. 18: COM AT SE COR OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN S 89 DEG 23 MIN 52 SEC E 57.46 FT TO PT ON C/L OF CR; TH RUN N 45 DEG 26 MIN 52 SEC W ALG SAID C/L OF CR 849.10 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 40 FT TO PT ON R/W OF CR FOR POB; TH RUN N 45 DEG 26 MIN 52 SEC W ALG R/W OF CR 200 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 1083.2 FT TO PT ON RESERVOIR DEED LN; TH RUN S 52 DEG 09 MIN 13 SEC E ALG RESERVOIR DEED LN 201.35 FT; TH RUN S 44 DEG 33 MIN 08 SEC W 1108.45 FT TO POB. CONTAINING 5.03 AC, M/L; ALSO PARCEL NO. 19: COM AT SE COR OF SEC 24, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN S 89 DEG 23 MIN 52 SEC E 57.46 FT TO PT ON C/L OF CR; TH RUN N 45 DEG 26 MIN 52 SEC W ALG C/L OF CR 649.10 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 40 FT TO PT ON RW LINE FOR POB; TH RUN N 45 DEG 26 MIN 52 SEC W ALG SAID CR R/W 200 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 1108.45 FT TO PT ON RESERVOIR DEED LN; TH RUN S 52 DEG 09 MIN 13 SEC E ALG RESERVOIR DEED LN 130.25 FT TO CNTY MONUMENT NO. 5; TH RUN S 52 DEG 24 MIN 49 SEC E ALG RESERVOIR DEED LN 70.90 FT; TH RUN S 44 DEG 33 MIN 08 SEC W 1133.30 FT TO POB. CONTAINING 5.15 AC, M/L; ALSO PARCEL NO. 20: COM AT SE CORNER OF SEC 25, TWN 34 S, RNG 19 E OF MANATEE COUNTY, FLORIDA; TH RUN, S 89 DEG 23 MIN 52 SEC E 57.46 FT TO PT ON C/L OF CR; TH RUN N 45 DEG 26 MIN 52 SEC W ALG C/L OF CR 449.10 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 40 FT TO PT ON R/W LN FOR POB; TH RUN N 45 DEG 26 MIN 52 SEC W ALG R/W OF CR 200 FT; TH RUN N 44 DEG 33 MIN 08 SEC E 1133.30 FT TO PT OF RESERVOIR DEED LN; TH RUN S 52

DEG 24 MIN 49 SEC E ALG RESERVOIR DEED LN 202.18FT; TH RUN S 44 DEG 33 MIN 08 SEC W 1158.15 FT TO POB. CONTAINING 5.26 AC, M/L. (663/587-590), SUBJ TO EASMT TO SW FL WATER MANAGEMENT DIST AS DESC IN OR 959 P 71 PRMCF P-5-3
PI#5604.2000/2

Parcel ID: 559700000

ALL LAND LY BELOW 40 FT CONTOUR LN IN SEC 25 (RESERVOIR) P-1-3 PI#5597.0000/0



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 6, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 34206

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDPI-15-06(Z)(G)(R), which was filed in this office on November 2, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh