

ORDINANCE 93-11

FILED

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

SEP 9 10 32 AM '93

SEP 7 10 50 AM '93

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 12) FROM RES-6 (RESIDENTIAL, 6 DU/GA) TO R/O/R (RETAIL/OFFICE/RESIDENTIAL) CERTAIN LAND LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF SR 64 AND KAY ROAD, CONSISTING OF 1.09± ACRES); 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," empowers and requires the Board of County Commissioners of the County of Manatee (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 89-01 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

WHEREAS, Sections 163.3184 and 163.3187, Florida Statutes, titled "Process for Adoption of Comprehensive Plan or Amendment Thereto," and "Amendment of Adopted Comprehensive Plan," respectively, empowers the local government to develop and adopt comprehensive plan amendments; and

WHEREAS, Section 163.3187(1)(c) as amended empowers the local government to adopt small scale amendments, waiving the objections, recommendations and comments review; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of the County of Manatee, Florida by Ordinance 90-01 duly designated said Planning Commission as the Local Planning Agency for the unincorporated area of Manatee County; and

WHEREAS, the Manatee County Planning Commission, empowered by the above cited laws and ordinances, considered an amendment to the Manatee County Comprehensive Plan, altering Sheet 12 of the Future Land Use Map in the Future Land Use Element, as referenced in the Title of this ordinance, 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 have been met or exceeded; and

WHEREAS, on August 4, 1993, 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

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"Comp Plan Amendment"

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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 to consider the amendment and adopted the amendment in accordance with Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the Technical Support Document as needed, the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because a change in circumstances in the adopted plan has been demonstrated by the applicant;

WHEREAS, the land uses of the proposed plan amendment have been found by the Board of County Commissioners to be generally compatible with other land uses in the area; and found to be consistent with the goals, objectives, and policies of the comprehensive plan; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt said 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 Chapter 163, Florida Statutes, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

WHEREAS, this Plan Amendment has been adopted pursuant to the alternative process for amendment of an adopted Comprehensive Plan as provided in Section 163.3189, Florida Statutes (Supp. 1992).

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 the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: Based upon the findings made relative to the proposed text amendments to the Comprehensive Plan, it has been determined that the existing Future Land Use Map sought to be amended is no longer in the best interest of the public and should be amended as described in Section 3 below.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, shall be amended by changing the Future Land Use Classification of the property, generally shown on the map as Attachment "A" hereto, and more specifically identified below in this Section 3, from RES-6 (Residential, 6 du/acre) to R/O/R (Retail/Office/Residential). The legal description of the property affected is more particularly described as follows:

Legal Description:

A tract of land lying within the Southeast 1/4 of Section 27, Township 34 South, Range 18 East, Manatee County, Florida and being more particularly described as follows:

Commence at the Southeast boundary corner of the Southeast 1/4 of Section 27, Township 34 South, Range 18 East; thence N 00°09'09" E, along the East boundary line of the Southeast 1/4 of said Section 27 (being the basis of bearings for this description), for 725.79 feet; thence N 74°08'52" W, leaving the East boundary line of said Southeast 1/4, for 31.16 feet to the point of beginning; thence continue N 74°08'52" W, along the Northerly right-of-way line of State Road 64, for 250.96 feet; thence N 15°51'08" E, leaving said Northerly right-of-way line, for 215.28 feet; thence S 74°08'52" E, for 190.44 feet to the point of intersection with the West right-of-way line of Kay Road; thence S 00°09'09" W, along said West right-of-way line, same also being a line 30.00 feet West of and parallel to the East boundary line of the Southeast 1/4 of said Section 27, for 223.62 feet to the point of beginning and containing 47,511.36 square feet or 1.0907 acres, more or less.

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 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. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

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 notice of intent to find 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 in accordance with Section 163.3184(10), Florida Statutes, or whichever occurs first.

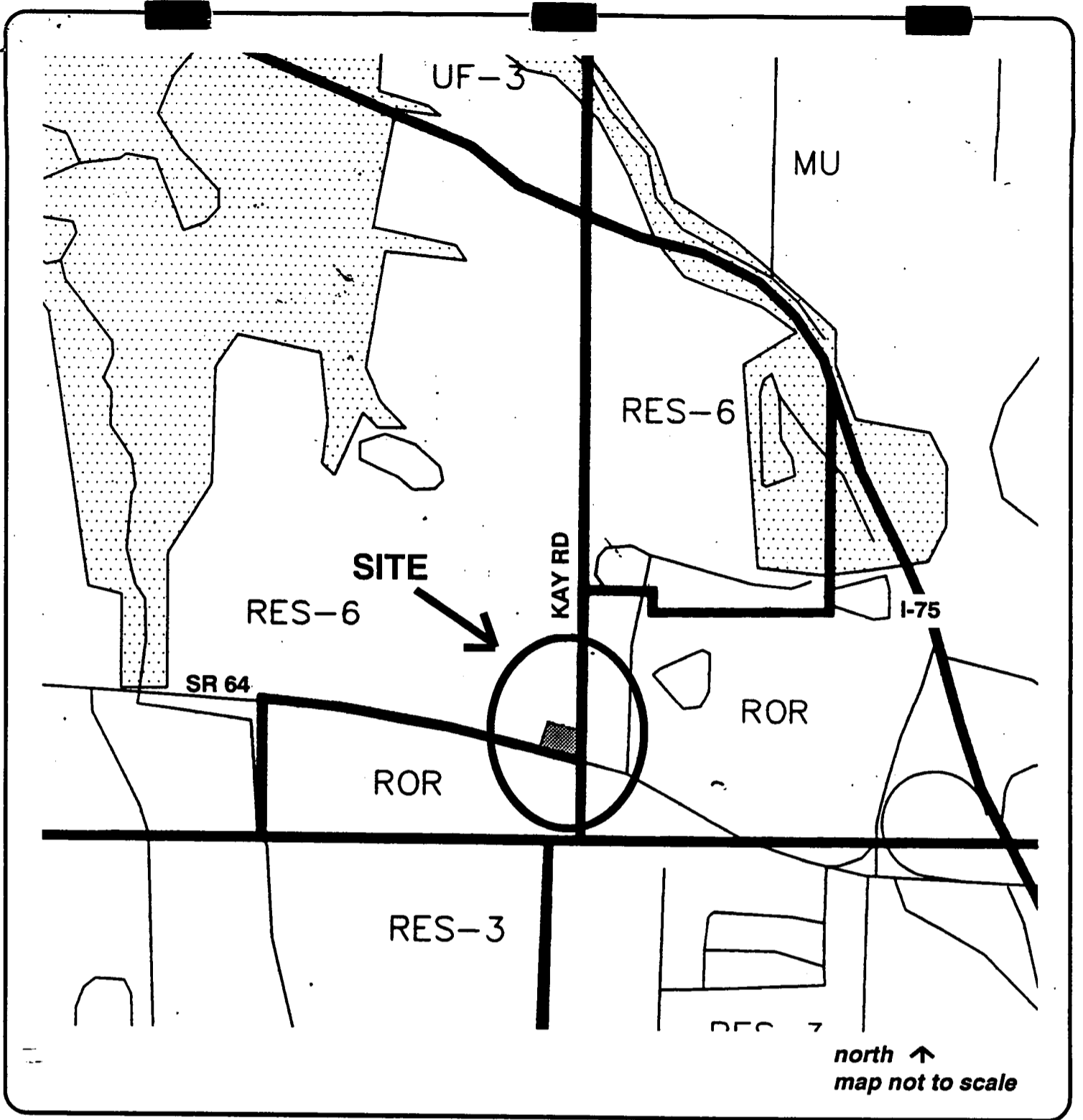
PASSED AND DULY ADOPTED, with a quorum present and voting this 26 day of August, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: [Signature]  
Chairman

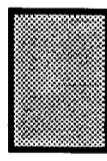
ATTEST: R. B. SHORE  
Clerk of the Circuit Court

By: [Signature]



**Future Land Use Map**

Future Land Use Map  
Sheet No. 12


**EXISTING CATEGORY**  
**RES-6**  
**PROPOSED CATEGORY**  
**ROR**

SECTION- TOWNSHIP-RANGE

27-34-18

CASE NO.

PA-93-06

REQUESTED BY:

**JUNG S. LUCK**

PROPERTY OWNER(S):

**JUNG S. LUCK**

COMMISSIONER:

**HOOPER**

TAX ID.:

11113.0000/8

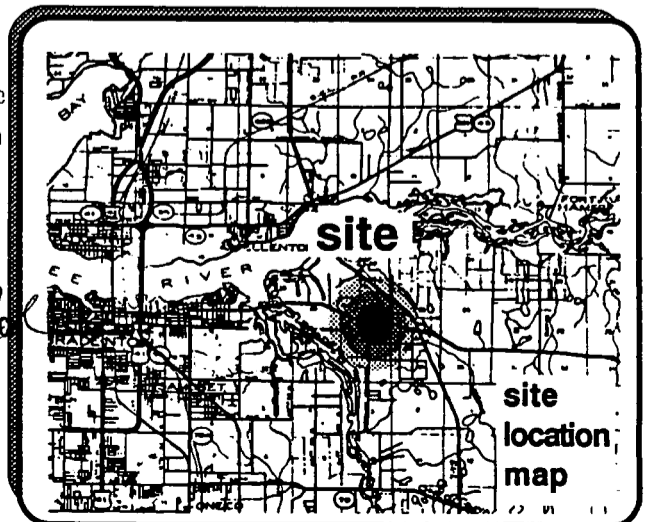
ACRES

± 1.09

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of ORDINANCE NO. 93-11 adopted by the  
Board of County Commissioners of said County on  
the 26 day of Aug, 1993 this 26 day  
of Sept, 1993 in Bradenton, Florida.

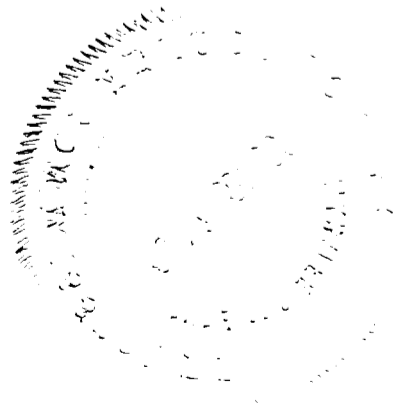
R. B. Shore  
Clerk of Circuit Court

By: *[Signature]*



map prepared: 5/3/93  
map revised: 00/00/00

Copy to Joanne  
7/9/93  
AH



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MANATEE CO. FLORIDA

SEP 9 10 31 AM '93



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

September 7, 1993

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

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of September 3, 1993 and certified copies of Manatee County Ordinance Numbers 93-11, 93-40, 93-44 and PDR-93-08-(Z)(G), which were received and filed in this office on September 7, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosures (4)