

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

DEC 8 10 48 AM '93

DEC 6 10 25 AM '93

FILED

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 19) FROM RES-9 (RESIDENTIAL, 9 DWELLING UNITS PER GROSS ACRE) TO ROR (RETAIL/OFFICE/RESIDENTIAL) FOR CERTAIN LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 15TH STREET COURT EAST AND 53RD AVENUE EAST, CONSISTING OF 6.60± ACRES, AND PROVIDING FOR THE ELIMINATION OF THE ERRONEOUS IL FUTURE LAND USE CATEGORY LABEL, AND PROVIDING FOR THE CORRECTION OF THE ROR BOUNDARY LINE; 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, 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 19 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 May 5, 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

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 the transmittal of the proposed amendment to the Florida Department of Community Affairs in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the State Land Planning Agency by letter dated September 13, 1993 transmitted their comments and objections on said amendment to the comprehensive plan; and

93-12

"Comp Plan Amendment"

WHEREAS, said amendment to the comprehensive plan was revised as appropriate in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on October 28, 1993 the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided on said amended version of the comprehensive plan, and with written advance notice of such public hearing having been provided to the State Land Planning Agency; 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 objections, recommendations and comments of the State Land Planning Agency; 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 have 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; and

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 this proposed map amendment 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:

1. 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-9 (Residential, 9 du/acre) to ROR (Retail/Office/Residential). The legal description of the property affected is more particularly described as follows:

Legal Description:

Parcel #1	16572.0000/0	LOT MARKED CHURCH IN SE COR OF PLAT, ALSO LOT 1 LESS H/W R/W AND LESS LAND DESC IN ORB 903 P 677 PRMCF BLK D HARMON PARK
Parcel #2	16573.0000/8	LOTS 2, 3 LESS RD R/W OFF LOT 2 & LESS LAND DESC IN ORB 907 P1171 PRMCF BLK D HARMON PARK
Parcel #3	16574.0000/6	LOT 4 & S 5 FT OF LOT 5 BLK D HARMON PARK
Parcel #4	16575.000/3	N 45 FT OF LOT 5 BLK D HARMON PARK
Parcel #5	16581.0000/1	BEG AT SW COR OF SEC 7, E 456 FT FOR BEG, THENCE N 459 FT, E 158 FT, S 459 FT, W 158 FT TO BEG LESS N 14 FT LESS RD R/W CONT .05 AC M/L; SUBJ TO EASMT AS DESC IN OR 1033 P 2441 PRMCF P-52; ALL LESS THE N 165 FT
Parcel #6	16600.0000/9	COMMENCE AT THE SW COR OF LOT 1 BLK A HARMON PARK THENCE GO E A DISTANCE OF 735 FT ALONG IN ROW LN OF SR 70 THENCE IN 200 FEET FOR A POB THENCE CONT N 50 FEET THENCE E 125 FEET THENCE S 50 FEET THENCE W TO THE POB AND ALSO COMMENCE AT THE SW COR OF LOT 1 BLK A OF HARMON PARK THENCE TO E A DISTANCE OF APPROX .555 FEET ALONG LN ROW LN OF SR 70 THENCE N APPROX 255 FEET THENCE E 48.6 FEET THENCE S APPROX 555 FEET THENCE W TO THE POB
Parcel #7	16600.1005/7	COM AT THE SE COR OF THE SW 1/4 OF THE SW 1/4 OF SD SEC 7; TH N 89 DEG 14 MIN 00 SEC W ALG THE S LN OF SD SEC 7, A DIST OF 572.27 FT; TH N 00 DEG 08 MIN 15 SEC E 33.00 FT TO A CONC MON WHICH IS ON THE NORTHERN R/W LN OF SRD NO 70 & THE POB; TH N 89 DEG 14 MIN 00 SEC W ALG THE NORTHERN R/W LN OF SRD NO 70, A DIST OF 125.0 FT TO A CONC MON; TH N 00 DEG 08 MIN 15 SEC E 300.00 FT TO A CONC MON; TH S 89 DEG 14 MIN 00 SEC E 125.00 FT TO A CONC MON; TH S 00 DEG 08 MIN 15 SEC W 100.00 FT TO A CONC MON; TH CONTINUE S 00 DEG 08 MIN 15 SEC W 200.00 FT TO THE POB AS DESC IN ORB 604 P 384 PRMCF P-59-1
Parcel #8	16602.0000/5	COM AT A PT ON N R/W LN OF SRD 70 (ONECO-ARCADIA RD), THENCE RUN E 913 FT 2 INCHES M/L TO E LN OF PROP DESC IN DB Y P 184 FOR POB, THENCE RUN N 200 FT, E 125 FT TO POB LY & BEING IN SW 1/4 OF SW 1/4 P-60
Parcel #9	16604.0000/1	BEG AT SW COR OF E 1/3 OF SW 1/4 OF SW 1/4, TH E 132 FT, N 660 FT, W 133 FT, S 660 FT LESS RD R/W CONT .04 AC M/L & LESS THAT PORTION LYG S OF S BDRY LN OF LOT 35 BLK B, CENTER PARK & N OR AN EXT OF N BDRY LN OF LOT 11 BLK B CENTRAL PRK DESC IN ORB 871 P 729 ALL LESS THE NORTH 230 FT

- Parcel #10 16608.0000/2 LOTS 1, 2, 3, 4, & S 10 FT LOT 5 BLK A CENTER PARK
- Parcel #11 16608.1000/1 N 45 FT OF LOT 5, ALL LOT 6 BLK A CENTER PARK
- Parcel #12 16619.0000/9 LOTS 1 THRU 5 BLK B CENTER PARK
- Parcel #13 16620.0000/7 LOT 6 BLK B CENTER PARK
- Parcel #14 COMMENCE AT THE SW COR OF LOT 1 BLK A OF HARMON PARK, CONTINUE E ALONG THE N R/W LINE OF 53RD AVE E (ST RD 70) A DISTANCE OF APPROX. 735 FEET THENCE N A DISTANCE OF APPROX 300' TO THE POB THENCE E A DISTANCE OF APPROX 270' TO THE WEST LINE OF LOT 8 BLK B OF CENTER PARK THENCE S APPROX 45' THENCE W APPROX 270' THENCE N TO THE POB.

2. By eliminating the erroneous IL future land use label as shown on Attachment "A" and

3. By correcting the boundary of the ROR future land use category as shown on Attachment "A" within the hatched area and by the dotted line.

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.

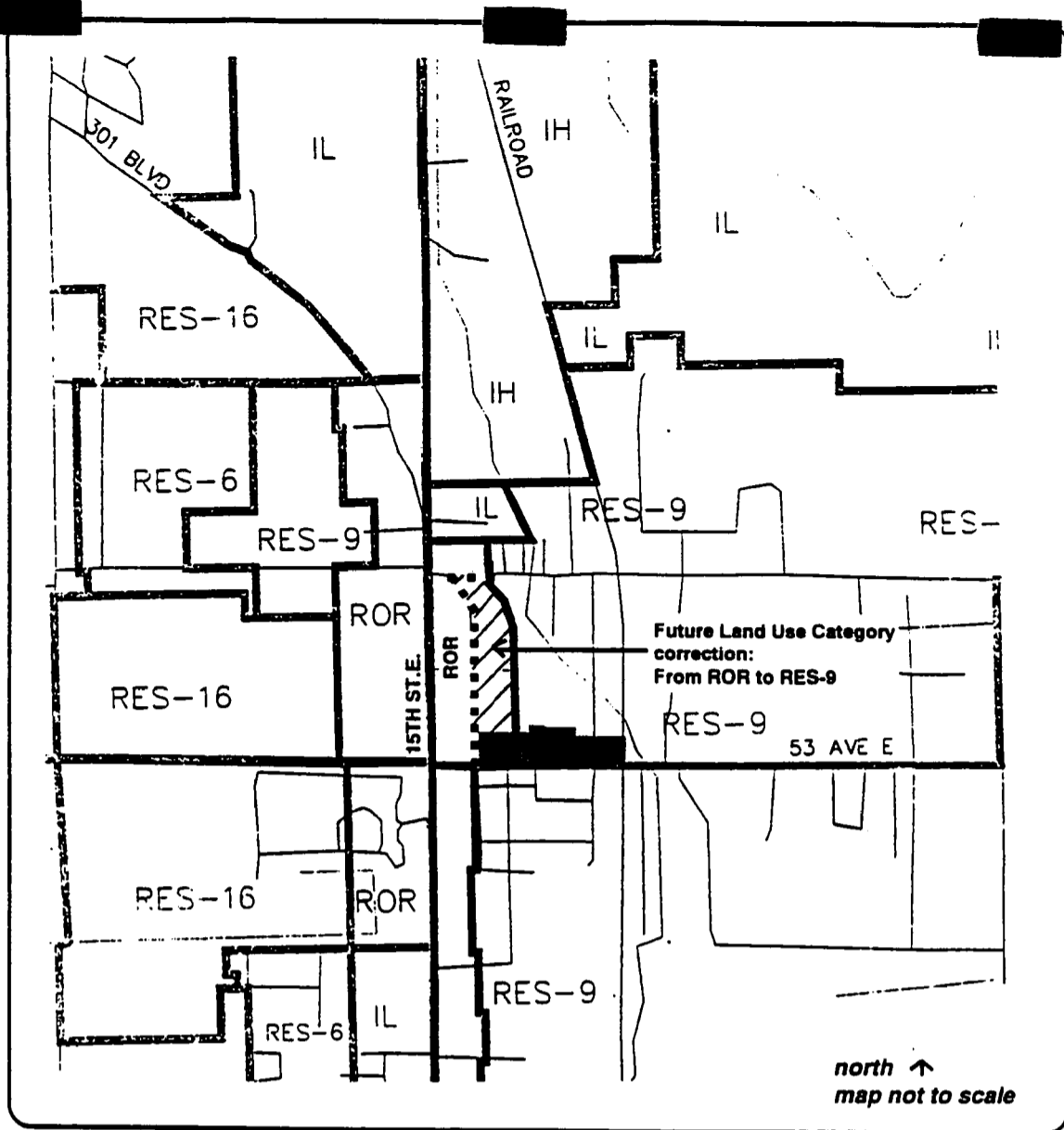
PASSED AND DULY ADOPTED, with a quorum present and voting this 28th day of October, 1993.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: *Lori Ann Harris*
10/28/93

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

By: *[Signature]*



Future Land Use Map

Future Land Use Map
Sheet No. 18, 19

EXISTING CATEGORY
RES-9
PROPOSED CATEGORY
ROR

SECTION- TOWNSHIP-RANGE

07-35-18

CASE NO.

PA-93-07

REQUESTED BY:

PRITCHARD-COUNTY INITIATED

PROPERTY OWNER(S):

CHURCH OF CHRIST TRS OF, ONECO CHURCH OF CHRIST TRS, ET AL.

COMMISSIONER:

HOOPER

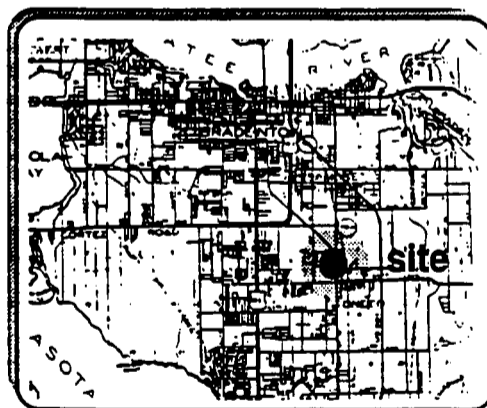
TAX ID.:

16572.0000/0, 16600.0000/9, 16619.0000/9
16573.0000/8, 16600.1005/7, 16620.0000/7
16574.0000/6, 16602.0000/5, 16608.0000/1
16575.0000/3, 16604.0000/1
16581.0000/1, 16608.0000/2

ACRES
± 6.60

..... CORRECTED ROR LINE

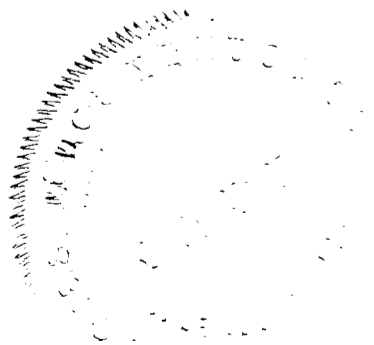
site location map



map prepared: 03/26/93
map revised:

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 93-12 adopted by the Board of County Commissioners of said County on the 30 day of November 19 93 this 3 day of December, 19 93 in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: *Robin Liberty* D.C.



Copy to Barbara Tyler
12/13/53
611



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

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December 6, 1993

Honorable R. B. Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
1112 Manatee Avenue West -Suite 641
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 December 3, 1993 and certified copies of Manatee County Ordinance Numbers 93-06, 93-07, 93-08, 93-09, 93-12, 93-13, 93-14 (B), 93-15, 93-16, and 93-46, which were received and filed in this office on December 6, 1993.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (10)