

ORDINANCE 93-13

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 #9) FROM RES-6 (RESIDENTIAL, 6 DWELLING UNITS PER GROSS ACRE) AND RES-6/WO-E (RESIDENTIAL, 6 DWELLING UNITS PER ACRE/EVERS RESERVOIR WATERSHED PROTECTION OVERLAY) TO P/SP(1) (MAJOR PUBLIC/SEMI PUBLIC (1)) AND P/SP(1)/WO-E (PUBLIC/SEMI-PUBLIC (1)/EVERS RESERVOIR WATERSHED PROTECTION OVERLAY) FOR CERTAIN LAND LOCATED APPROXIMATELY 3600 FEET NORTH OF SR 70 AND EAST OF AND ADJACENT TO THE FLORIDA POWER AND LIGHT UTILITIES CORRIDOR EAST OF I-75, CONSISTING OF 240± ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA  
DEC 8 10 48 AM '93

DEC 6 10 27 AM '93  
FILED

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

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 an oversight 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; 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 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) and RES-6/WO-E (Residential-6 du/acre/Evers Reservoir Watershed Protection Overlay) to P/SP(1) (Public/Semi-Public [1]) and P/SP (1)/WO-E (Public/Semi-Public [1]/Evers Reservoir Watershed Protection Overlay). The legal description of the property affected is more particularly described as follows:

Legal Description:

THE SE 1/4, OF SEC 1; LESS 30 AC TO MANATEE CO AS DEED IN ORB 947 P 1386; SUBJ TO FPL EASMT AS DESC IN OR 1006 P 2513; SUBJ TO UTY EASMT AS DESC IN OR 1029 P 3064 PRMCF; ALSO: BEG AT NE COR OF SEC 12; TH N 89 DEG 30 MIN 21 SEC W ALG SEC LN BETWEEN SEC 1 & 12, 2655.59 FT M/L TO A CONC MON ON W LN OF FPL EASMT; TH S ALG W LN OF SD EASMT 2580 FT M/L TO C/L OF HOUSTON TEXAS GAS & OIL CO EASMT REC IN DB 399 P 117; TH NELY ALG SD C/L 3000 FT M/L, TO A CONC MON ON E LN OF SD SEC 12; TH NLY ALG SD E LN 989.94 FT TO THE POB; SUBJ TO FPL EASMT DESC IN OR 1006 P 2531; SUBJ TO GAS LN EASMT REC IN DB 399 P 117; SUBJ TO UTY EASMT IN OR 1029 P 3064 & BEING FURTHER DESC IN OR 1145 P 3377 PRMCF (240 AC M/L) ALSO IN SEC 12-35-18 PI#14645.0000/6.

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.

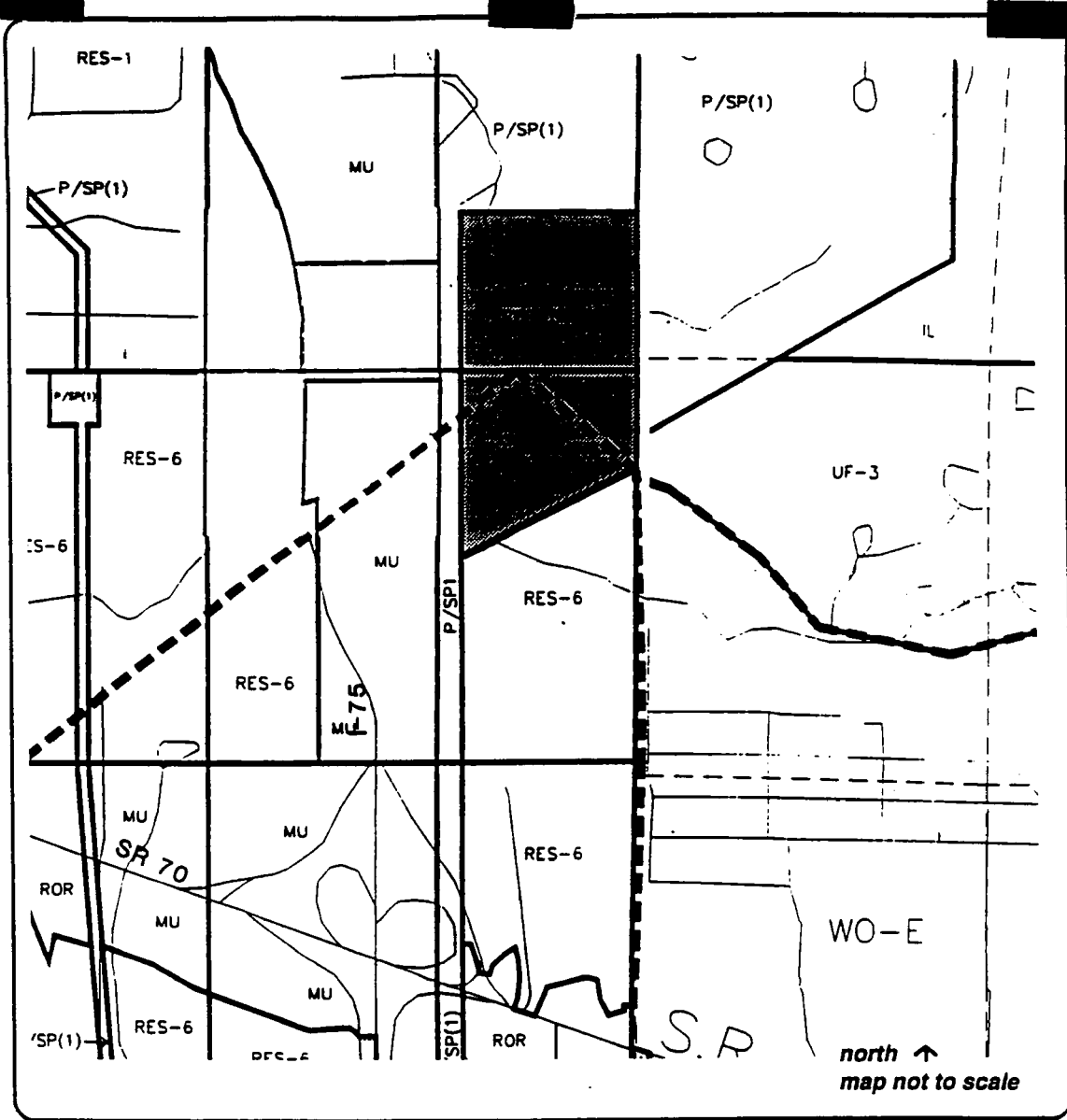
PASSED AND DULY ADOPTED, with a quorum present and voting this 28th day of October, 1993.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: [Signature]  
10/28/93


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

By: [Signature]



**Future Land Use Map**

Future Land Use Map  
Sheet No. 19

 EXISTING CATEGORY  
RES-6  
PROPOSED CATEGORY  
PSP(1)

**SECTION- TOWNSHIP-RANGE**

1-35-18

**CASE NO.**

PA-93-08

**REQUESTED BY:**

MANATEE COUNTY GOVERNMENT

**PROPERTY OWNER(S):**

MANATEE COUNTY GOVERNMENT

**COMMISSIONER:**

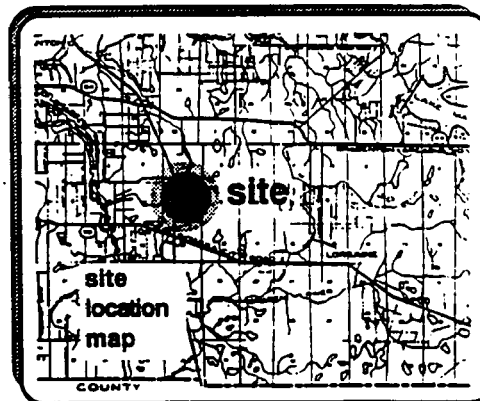
HOOPER

**TAX ID.:**

14645.1000/6

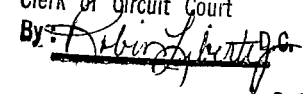
**ACRES**

± 240



map prepared: 4/1/93  
map revised: 00/00/00

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true and correct copy of ORDINANCE NO. 77-13 adopted by the Board of County Commissioners of said County on the 30 day of November, 1973, this 3 day of December, 1973 in Bradenton, Florida.

R. B. Shore  
Clerk of Circuit Court  
By: 

copy to Barbara Tyler

12/13/23

GA



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

FILED FOR RECORD  
DEC 8 10 47 AM '93

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)