

ORDINANCE 93-14 (B)

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

DEC 6 10 25 AM '93
FILED

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR MODIFICATIONS TO THE FUTURE LAND USE, HOUSING, AND RECREATION AND OPEN SPACE ELEMENTS IN ORDER TO CLARIFY REQUIREMENTS AND CORRECT OVERSIGHTS AND ERRORS TO POLICIES RELATING TO THE HISTORIC RESOURCES AND HISTORIC DISTRICTS; REMOVING PALMA SOLA FROM THE LIST OF PROTECTED HISTORIC DISTRICTS; 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 the comprehensive plan text, 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, 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 the proposed text amendments to the Comprehensive Plan, it has been determined that the existing objectives, policies, or implementation mechanisms sought to be amended are no longer in the best interest of the public and should be amended as described in Section 3 below.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, shall be amended as follows:

ITEM #1: Future Land Use Element, Policies 2.2.2.5.2.(a), 2.2.2.5.2.(b), and 2.2.5.4.(b) are amended to read in their entirety as follows:

2.2.2.5.2

Purpose:

- (a) To outline the approximate geographic areas which will be more specifically defined in a historic preservation ordinance developed pursuant to Objective

9.1.5 in the Housing Element of this Comprehensive Plan.

- (b) To outline historic sites which will be more specifically identified in a historic preservation ordinance developed pursuant to Objective 10.2.2 in the Recreation and Open Space Element of this Comprehensive Plan.

2.2.2.5.4 Effect of mapping:

- (a) (no change)
- (b) Recognize existing and new historic districts or sites as designated by Manatee County through the adopted historic preservation ordinance.

ITEM #2: Future Land Use Element, Policies 2.12.1.1 and 2.12.1.2 are amended to read in their entirety as follows:

2.12.1.1 Protect historic resources including landmarks and historic districts.

Implementation Mechanisms:

- (a) Use of historic overlay districts on the County adopted zoning atlas maps, to be amended as necessary for the establishment and protection of districts. These areas shall be adopted in the same manner as a zoning atlas amendment.
- (b) Use of landmarks designations or historic vista protection areas for protection of historic resources outside of historic districts as identified in implementation mechanism (a) above. These designations or areas shall be adopted in the same manner as a zoning atlas amendment.
- (c) Implementation of Policy 9.1.5.4.

2.12.1.2 Provide assistance to property owners or developers of historic landmarks or properties including those within historic neighborhoods or Historic Vista Protection areas as designated in the Historic Preservation ordinance which may be part of the land development regulation to preserve and protect the historic value of historic properties.

Implementation Mechanism:

- (a) Implementation of Policies 9.1.5.2 and 9.1.5.3

ITEM #3: Housing Element, Policies 9.1.5.1, 9.1.5.2, 9.1.5.3 and 9.1.5.4 are hereby amended in their entirety as follow:

9.1.5.1 Develop a strategy to ensure that conservation, rehabilitation, and demolition of historically significant housing within areas designated as historic resources occur in a manner which recognizes their historic significance.

Implementation Mechanism:

- (a) Adoption of historic protection overlays in the County land development regulation showing historic resource areas including areas of historically significant housing.

9.1.5.2 Assist, as appropriate, in the rehabilitation and adaptive reuse of historically significant structures and neighborhoods designated by Manatee County as historic resources through technical and economic assistance programs.

Implementation Mechanism:

- (a) (no change)

9.1.5.3 Assist private property owners of historically significant landmarks and structures within historically significant neighborhoods in applying for and utilizing state and federal assistance programs.

Implementation Mechanism:

9.1.5.4. Designate historically significant neighborhoods, and afford these historic neighborhoods special protection of historic structures and other land use elements through development of a Historical Preservation Ordinance. Said ordinance will include criteria for designating historically significant neighborhoods. (see also Policy 2.12.1.1).

Implementation Mechanism:

ITEM #4: Recreation and Open Space, Policy 10.2.2.2, **Implementation Mechanism**, is hereby amended and shall read in its entirety as follows:

10.2.2.2 **Implementation Mechanism:**

- (a) Where funding is available, development of brochures of the historical neighborhoods identified by Manatee County which detail their importance with regard to Manatee County, Florida, and/or United States history and prehistory by the Manatee County Historical Commission. Such brochures should also include interpretive walking tours to enhance the educational value of these special areas.
- (b) Coordination by the Manatee County Historical Commission of activities to enhance those historical neighborhoods and sites, identified by Manatee County, placed on the Florida Master site File and the National Registrar of Historic Places.

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]

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 93-14(B) adopted by the
Board of County Commissioners of said County on
the 20 day of November, 1993, this 3 day
of December, 1993, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: [Signature] P.C.