

ORDINANCE 93-15

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
DEC 8 10 49 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 TEXT CHANGE TO ALLOW CERTAIN NONCONFORMING DEVELOPMENTS EXISTING PRIOR TO ADOPTION OF THE COMPREHENSIVE PLAN, TO BE RECONSTRUCTED IF DESTROYED BY AN ACT OF GOD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

DEC 6 10 26 AM '93
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STATE

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 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;

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 proposed additional Special Plan interpretive provisions sought to be added are 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:

The following language is added as new Section 4.C.2 of Chapter 1 and renumbering subsequent sections, to read in its entirety as follows:

Section 4.C.2

The following residential developments which were existing as of May 15, 1989, and were conforming as to density prior to adoption of this Comprehensive Plan and have now been rendered nonconforming with regard to density, may be rebuilt if destroyed or substantially damaged by an act of God. Any reconstruction shall be at the same density that existed at the time of said adoption. The number of units which may be rebuilt for an individual development are as follows:

<u>DEVELOPMENT</u>	<u>ADDRESS</u>	<u>EXISTING NUMBER OF UNITS</u>
Casco Dorado	9800 Cortez Road	57
The Waterways	9604 Cortez Road	78

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]*

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. 93-15 adopted by the Board of County Commissioners of said County on the 30 day of November, 1993, this 3 day of December, 1993, in Bradenton, Florida.

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

Copy to Barbara Tyler

12/13/93

HH





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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CLERK OF CIRCUIT COURT
MANATEE COUNTY

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,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (10)