

ORDINANCE 93-16

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 RELATING TO LOCATIONS FOR ANTENNA TOWERS/CLUSTERS OF THE AVIATION ELEMENT; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAPS OF THE FUTURE LAND USE ELEMENT TO CORRECT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF BRADENTON AND THE CITY OF PALMETTO, CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED FOR RECORD
R.B. SMITH
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
DEC 8 10 49 AM '93

DEC 6 10 27 AM '93
FILED
CLERK OF 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 Manatee County Planning Commission, empowered by the above cited laws and ordinances, considered an amendment to the Manatee County Comprehensive Plan, altering Map 8-C of the Aviation Element and Sheets 11, 12, 17, and 18 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 Florida Statutes Section 163.3184; 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

93-16

"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 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 the proposed text amendments to the Comprehensive Plan, it has been determined that the existing Map 8-C of the Aviation Element and the Future Land Use Map of the Future Land Use Element 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. Map Amendments: The Manatee County Comprehensive Plan, Ordinance 89-01, shall be amended as follows:

ITEM #1

Map 8-C Preferred Locations For Antenna Towers/Clusters, Page 8-17, of the Aviation Element is hereby amended by adding an area to the east of the preferred location identified in northeast Manatee

County as shown on Exhibit 1 attached hereto and incorporated herein by reference and more particularly described as follows:

Legal Description, Beginning at the northeast corner of Section 1, Township 33S, Range 22E, for a point of beginning, the point of beginning also being the intersection of the north and east Manatee County lines, then proceed south along said east Manatee County line a distance of approximately 8.5± miles to the intersection of the east county line and the outer boundary line of the secondary area of Victor Airway V-97/V-492 as shown on Map A Airport Zone and Object Height Limitation Map, as prepared by Howard, Needles, Tammen and Bergendoff, then proceed northwesterly along said outer boundary line of the secondary area a distance of approximately 1.9± miles, then proceed north-northwesterly along a straight line that intersects at a point on the north county line approximately 2.1± miles west of the point of beginning, then proceed along said north county line a distance of approximately 2.1± miles to the point of beginning.

ITEM # 2

Future Land Use Map, Sheet 11, of the Future Land Use Element is hereby amended by deleting three separate areas (Area A 1.5± acres, Area B 2.1± acres, and Area C .9± acre) from the Future Land Use Map reflecting properties annexed to the City of Palmetto that were effective (Area A 1/21/80 and 8/15/83 City Ordinance Nos. 84 and 191, Area B 10/20/86 City Ordinance No. 283, and Area C 2/2/81 City Ordinance No. 110) as shown on Exhibit 2 attached hereto and incorporated herein by reference and more particularly described as follows:

Legal Description, AREA A:

Lot 4, Block 3, RIVERSIDE PARK ADDITION, lying and being in Section 16, Township 34 South, Range 17 East, Manatee County, Florida; and

Lot 1, RIVER TERRACE, as per Plat thereof recorded in Plat Book 8, Page 135 of the Public Records of Manatee County, Florida, lying and being in Section 16, Township 34 South, Range 17 East;

Legal Description, AREA B:

Commence at the NE corner of U.S. Government Lot 5, Section 16, Township 34 South, Range 17 East, Manatee County, Florida; thence West along the North line of said U.S. Government Lot 5, a distance of 720.0 feet for the Point of Beginning; Thence continue West, 326 feet; thence South 90 feet; thence South 29 degrees 54'24" East along the East right of way line of Alabama Avenue 268.13 feet; thence East parallel to the North line of said U.S. Lot 5 a distance of 192.88 feet; thence North parallel to the East line of said U.S. Lot 5 a distance of 325.3 feet to the Point of Beginning. Less Highway Right of Way for 10th Street. (SE corner of 10th Street West and 35th Avenue Drive West);

Legal Description, AREA C:

Lots 4, 5, and 6, Block 2, SHELL BEACH SUBDIVISION, Plat Book 1, Page 272, of the Public Records of Manatee County, Florida; and

Lots 7, 8, and 9, Block 2, SHELL BEACH SUBDIVISION, Plat Book 1, Page 272, of the Public Records of Manatee County, Florida;

ITEM #3

Future Land Use Map, Sheet 11, of the Future Land Use Element is hereby amended by deleting a 2.5± acre parcel from the Future Land Use Map reflecting an annexation of land to the City of Palmetto which was effective 6/4/92 (City of Palmetto Ordinance No. 471) as shown on Exhibit 3 attached hereto and incorporated herein by reference and more particularly described as follows:

Legal Description:

The west 330 feet of the south 1/2 of the northwest 1/4 of the southeast 1/4, less the west 165 feet, of Section 10, Township 34 South, Range 17 East. Containing 2 1/2 acres more or less.

ITEM #4

Future Land Use Map, Sheet 12, of the Future Land Use Element is hereby amended by addition of lines delineating corrected jurisdictional boundaries with the City of Bradenton, and addition of lines delineating five separate areas (Area A 1.8± acres, Area B .8± acre, Area C 1.1± acres, Area D .2± acre, and Area E 1.7± acres) not within the City of Bradenton and applying the Future Land Use Category of RES-6 (Residential-6 dwelling units/gross acre), as shown on Exhibit 4 attached hereto and incorporated herein by reference and more particularly described as follows:

CORRECTED JURISDICTIONAL BOUNDARIES DESCRIPTION:

Beginning at the northwest corner of the southwest quarter of Section 31, Township 35, Range 17, proceed north along the west section line of said Section 31 a distance of 660± feet to the point of beginning, then proceed east a distance of 433± feet along the north property line of property I.D. No. 13760.0000/4 to the north-south line of KINGSTON ESTATES SUBDIVISION, then proceed south a distance of 250± feet on said north-south line, then proceed along the southern border of KINGSTON ESTATES as follows: east 277± feet, northeast 122± feet, southeast 703± feet, and northeast 122± feet, then proceed southeast a distance of 275± feet along the south property line of property I.D. No. 13776.0000/0, then proceed southwest a distance of 18± feet, then proceed southeast a distance of 1211± feet to a point on the north-south half section line of Section 31 lying 731± feet south of the mid point of Section 31, then proceed north a distance of 1394± feet along said north-south half section line to the southwest corner of REPLAT VILLAS SUBDIVISION, then proceed east along the south border of said subdivision a distance of 1325± feet to the southeast corner of said subdivision, then proceed north a distance of 660± feet to the south line of the north half of the northeast quarter of Section 31, then proceed east a distance of 1330± feet along said south line of the north half of the northeast quarter of Section 31 to the east section line of said Section 31.

The RES-6 (Residential-6 dwelling units/gross acre) Future Land Use Category is hereby established on all property south of the above described line within Section 31, Township 35, Range 17, as shown on Exhibit 4 attached hereto and incorporated herein by reference.

LEGAL DESCRIPTION AREA A:

Beginning at the northwest corner of the southwest quarter of Section 31, Township 35, Range 17, proceed north along the west section line of said Section 31 a distance of 730± feet to the point of beginning, then proceed north an additional 185± feet along said section line, then proceed east a distance of 431± feet, then proceed south a distance of 192± feet, then proceed west a distance of 433± feet, to the point of beginning.

LEGAL DESCRIPTION AREA B:

Beginning at the intersecting point of the west section line of Section 31, Township 35, Range 17, and the north line of the south half of the northwest quarter of said Section 31, proceed east along said north quarter section line a distance of 499± feet to the point of beginning, then proceed east a distance of 529± feet along said north quarter section line, then proceed south-southwest a distance of 72± feet, then proceed west a distance of 525± feet on a line generally parallel with the said north quarter section

line, then proceed north a distance of 70± feet, to the point of beginning.

LEGAL DESCRIPTION AREA C:

Beginning at the intersecting point of the north-south half section line of Section 31, Township 35, Range 17, and the north line of the south half of the northwest quarter of said Section 31, proceed west along said north quarter section line a distance of 876± feet to the point of beginning, then proceed south a distance of 216± feet, then proceed northwest a distance of 461± feet to an intersection with said north quarter section line, then proceed east a distance of 450± feet along said north quarter section line to the point of beginning.

LEGAL DESCRIPTION AREA D:

Beginning at the intersecting point of the north-south half section line of Section 31, Township 35, Range 17, and the north line of the south half of the northwest quarter of said Section 31, proceed west along said north quarter section line a distance of 681± feet, then proceed south a distance of 185± feet to the point of beginning, then proceed west a distance of 120± feet, on a line parallel to said north quarter section line, then proceed south a distance of 58± feet, then proceed southeast a distance of 127± feet, then proceed north a distance of 100± feet, to the point of beginning.

LEGAL DESCRIPTION AREA E:

Beginning at the intersection point of the north-south half section line of Section 31, Township 35, Range 17, and the north line of the south half of the northwest quarter of said Section 31, proceed west along said north quarter section line a distance of 375± feet to the point of beginning, then proceed west a distance of 258± feet along said north quarter section line, then proceed south a distance of 303± feet, then proceed southeast a distance of 190± feet, then proceed northeast a distance of 375± feet, to the point of beginning.

The RES-6 (Residential-6 du units/gross acre) Future Land Use Category is hereby established upon all property as described in Areas A, B, C, D, and E above, and as shown on Exhibit 4 attached hereto and incorporated herein by reference.

ITEM #5

- A. Future Land Use Map, Sheet 17, of the Future Land Use Element is hereby amended by relocating the eastern section line of Sections 1, 12, and 13 of Township 35 South, Range 16 East eastward to approximate the Range Line between Range 16 East and Range 17 East as delineated on the Bradenton Beach Quadrangle (7.5 minute series) U.S. Geological Survey, and on the 1 inch = 200 feet scale maps of Manatee County used to develop the Future Land Use Map of the Future Land Use Element, as shown on Exhibit 5A attached hereto and incorporated herein by reference.
- B. Future Land Use Map, Sheet 18, of the Future Land Use Element is hereby amended by relocating the western section line of Sections 6, 7, and 18 of Township 35 South, Range 17 East westward to approximate the Range Line between Range 16 East and Range 17 East as delineated on the Bradenton Beach Quadrangle (7.5 minute series) U.S. Geological Survey, and on 1 inch = 200 feet scale maps of Manatee County used to develop the Future Land Use Map of the Future Land Use Element, as shown on Exhibit 5B attached hereto and incorporated herein by reference.

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.

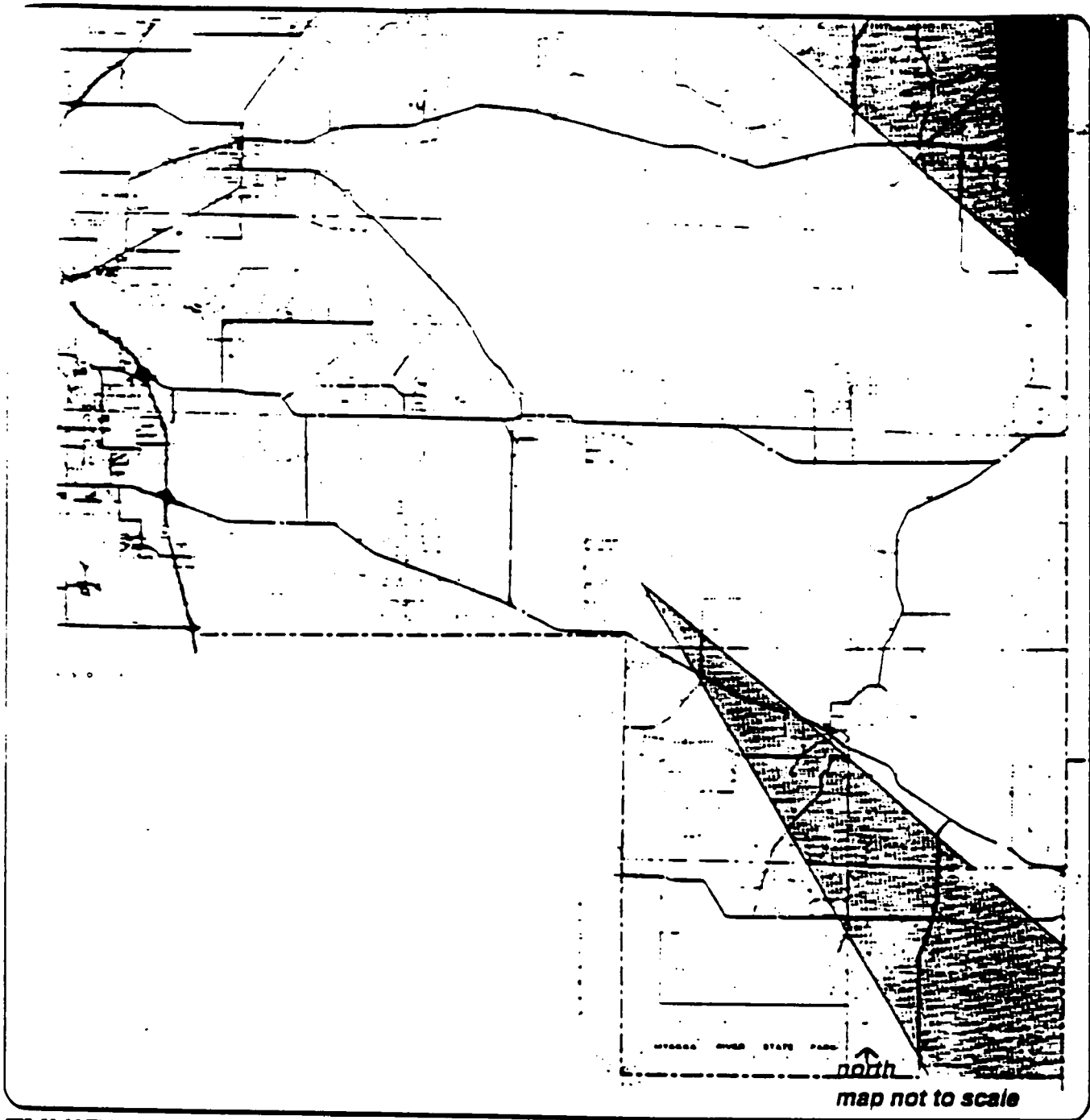
PASSED AND DULY ADOPTED, with a quorum present and voting this 28th day of October, 1993.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *[Signature]*
10/28/93

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

[Signature]



**EXHIBIT 1
ORDINANCE 93-16**

**MAP 8-C PREFERRED LOCATIONS FOR
ANTENNA TOWERS/CLUSTERS**



**AREA OF CONSIDERATION
TO BE ADDED**

**TOWNSHIP-RANGE
33-22**

**CASE NO.
PA-93-11**

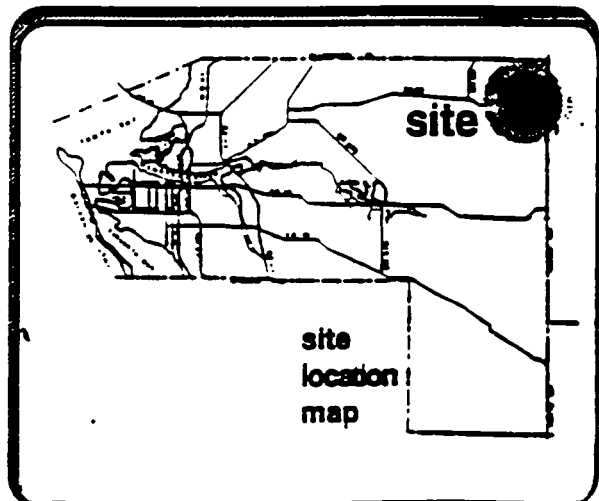
**REQUESTED BY:
MANATEE COUNTY GOVERNMENT
PROPERTY OWNER(S):**

N/A

**COMMISSIONER:
GAUSE**

**TAX ID.:
N/A**

**ACRES
± N/A**



*map prepared:04/02/93
map revised:*

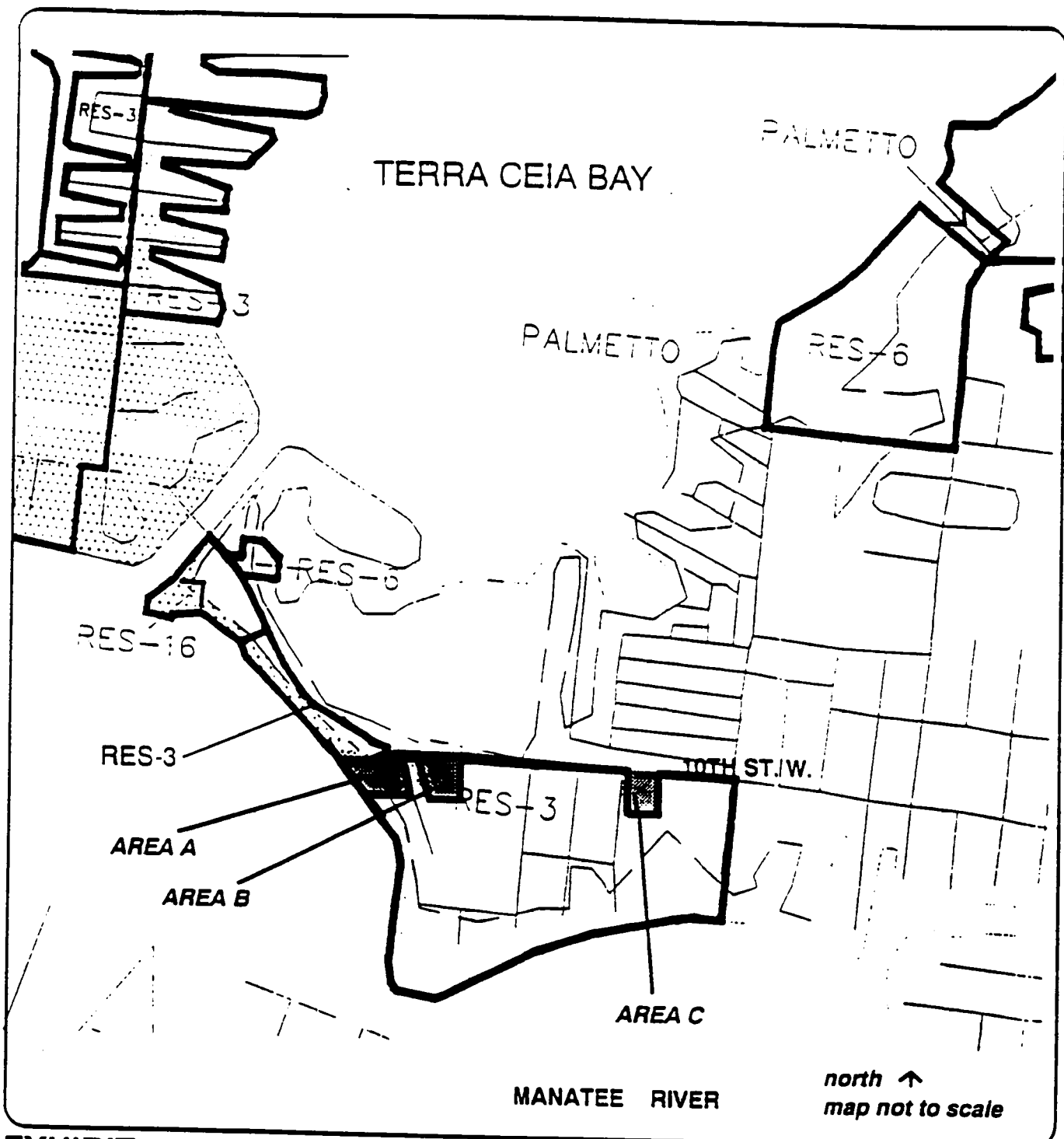
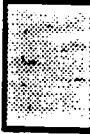


EXHIBIT 2
ORDINANCE 93-16

Future Land Use Map
Sheet No. 11

 EXISTING CATEGORY
RES-3
PROPOSED CATEGORY
CITY OF PALMETTO

SECTION- TOWNSHIP-RANGE

16-34-17

CASE NO.

PA-93-11

REQUESTED BY:

MANATEE COUNTY GOVERNMENT

PROPERTY OWNER(S):

N/A

COMMISSIONER:

GAUSE

TAX ID.:

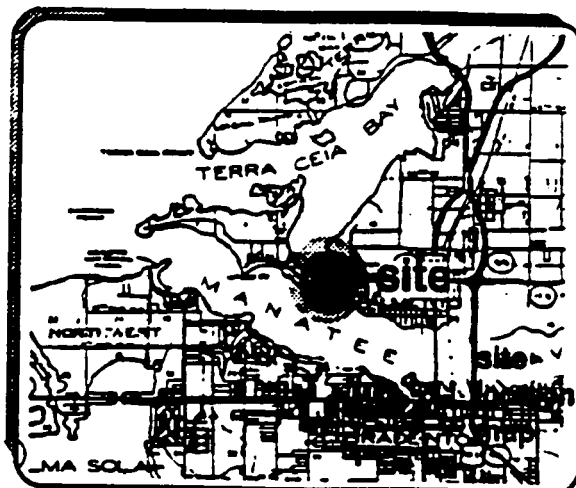
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ACRES

AREA A - 1.5+

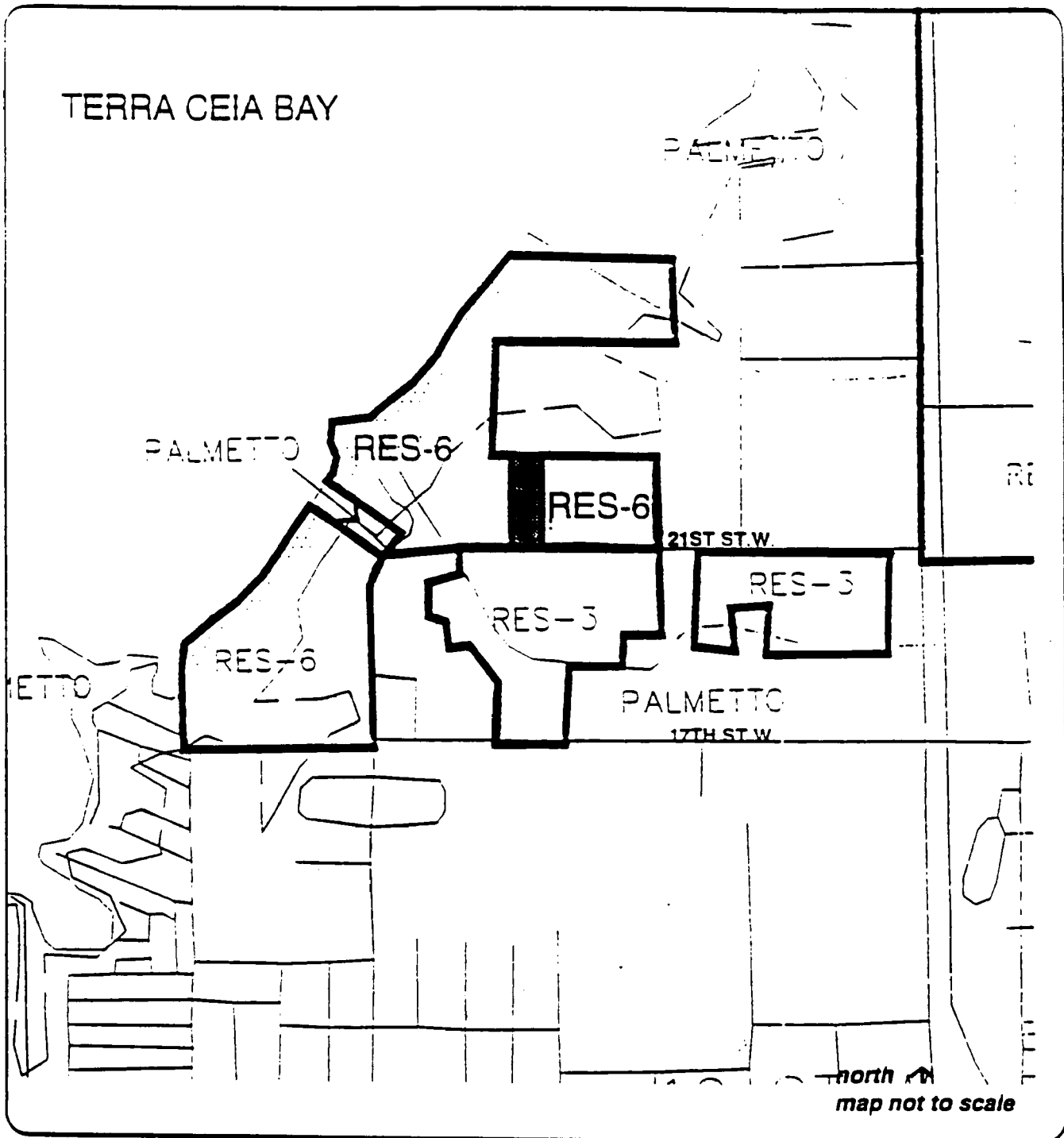
AREA B - 2.1+

AREA C - .9+





map prepared:04/02/93

map revised:



**EXHIBIT 3
ORDINANCE 93-16**

Future Land Use Map
Sheet No. 11

 EXISTING CATEGORY
 RES-6
 PROPOSED CATEGORY
 CITY OF PALMETTO

SECTION- TOWNSHIP-RANGE

10-34-17

CASE NO.

PA-93-11

REQUESTED BY:

MANATEE COUNTY GOVERNMENT

PROPERTY OWNER(S):

N/A

COMMISSIONER:

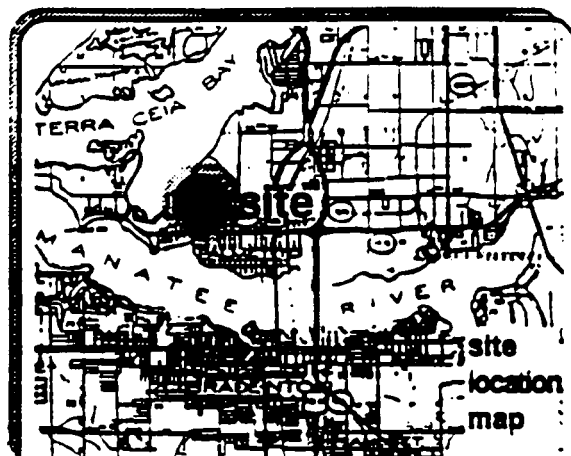
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TAX ID.:

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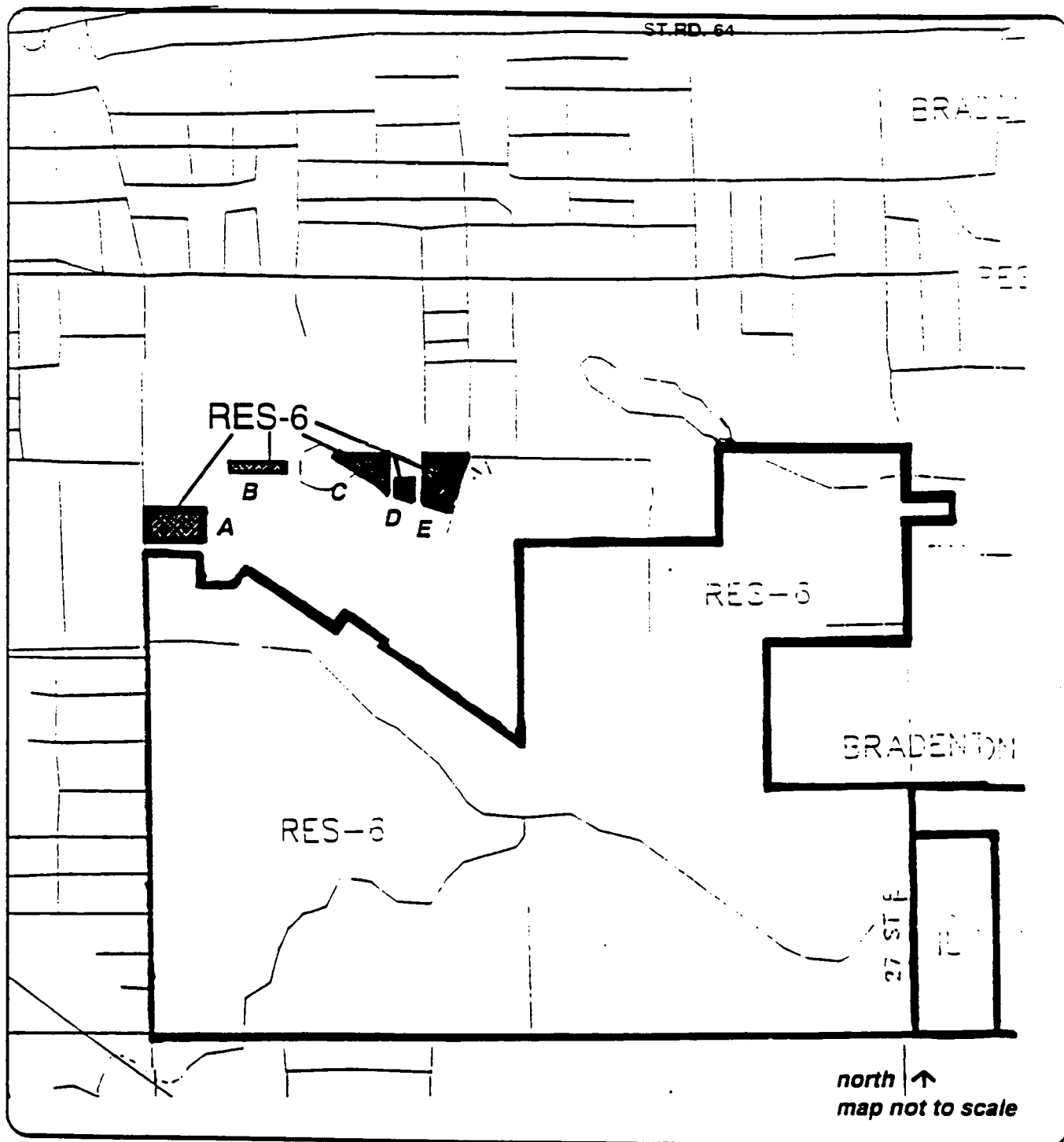
ACRES

± 2.5



map prepared:04/02/93

map revised:



**EXHIBIT 4
ORDINANCE 93-16**

Future Land Use Map
Sheet No. 12

SECTION- TOWNSHIP-RANGE

31-34-18

CASE NO.

PA-93-11

REQUESTED BY:

MANATEE COUNTY GOVERNMENT

PROPERTY OWNER(S):

N/A

COMMISSIONER:

CHETLAIN

TAX ID.:

N/A



EXISTING CATEGORY
CITY OF BRADENTON
PROPOSED CATEGORY
RES-6, MANATEE COUNTY

ACRES

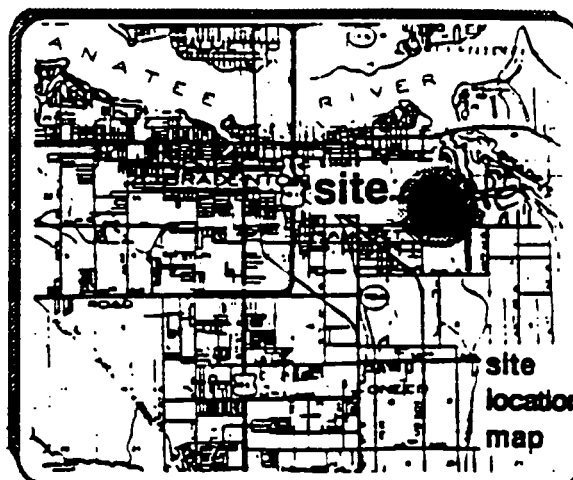
AREA A -1.8+

AREA B -.8+

AREA C -1.1+

AREA D -.2+

AREA E -1.7+



map prepared:04/02/93

map revised:

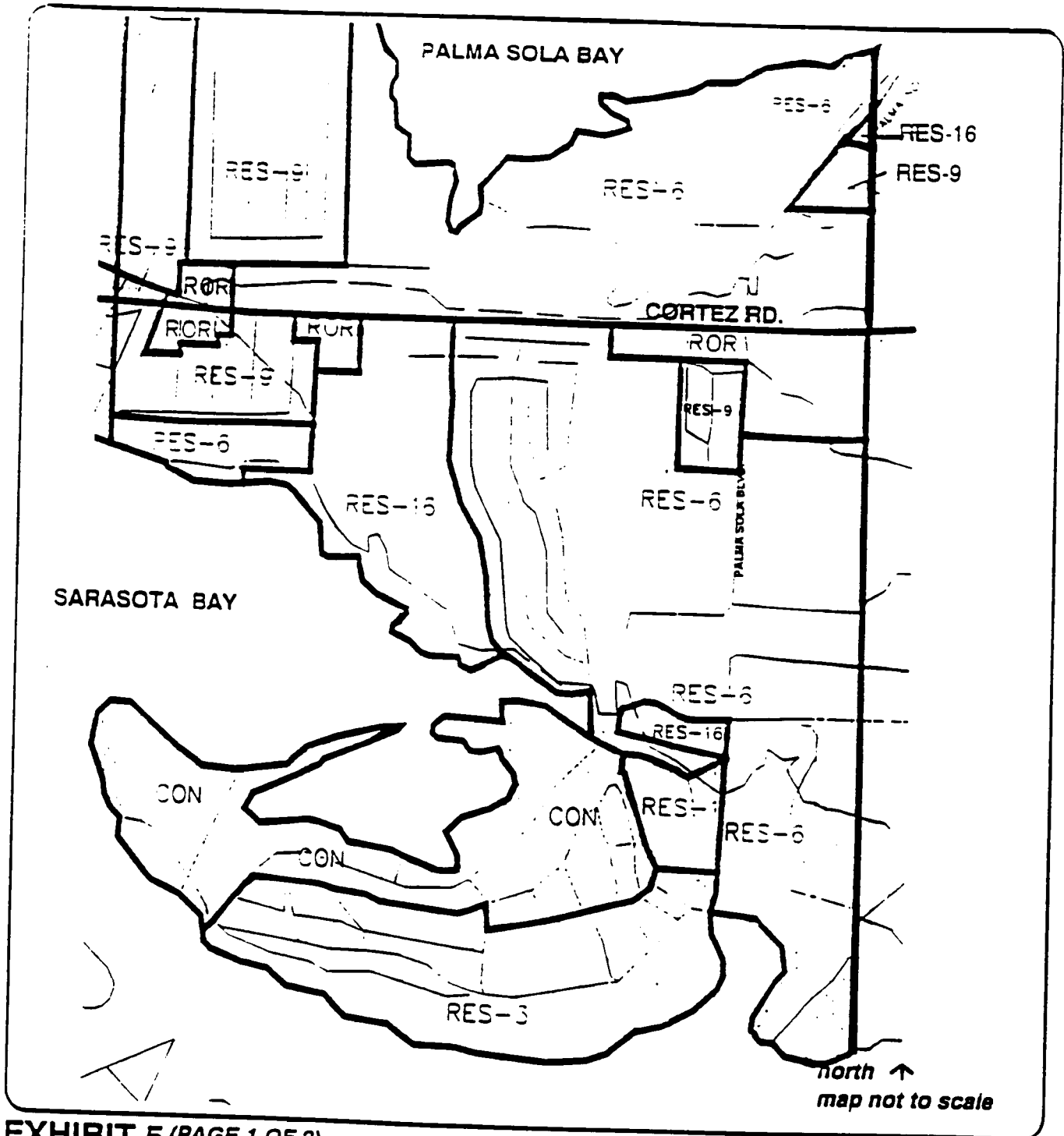


EXHIBIT 5 (PAGE 1 OF 2)
ORDINANCE 93-16

Future Land Use Map
 Sheet No. 17


SECTION- TOWNSHIP-RANGE
 1,12,13-35-17

CASE NO.
 PA-93-11

REQUESTED BY:
 MANATEE COUNTY GOVERNMENT
 PROPERTY OWNER(S):

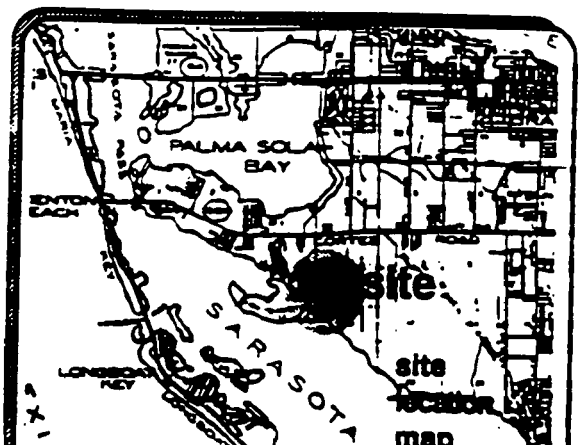
N/A
 COMMISSIONER:
 STEPHENS

TAX ID.:
 N/A

 EXISTING CATEGORY
 N/A
 PROPOSED CATEGORY
 N/A

SECTION LINE CORRECTION

ACRES
 ± N/A



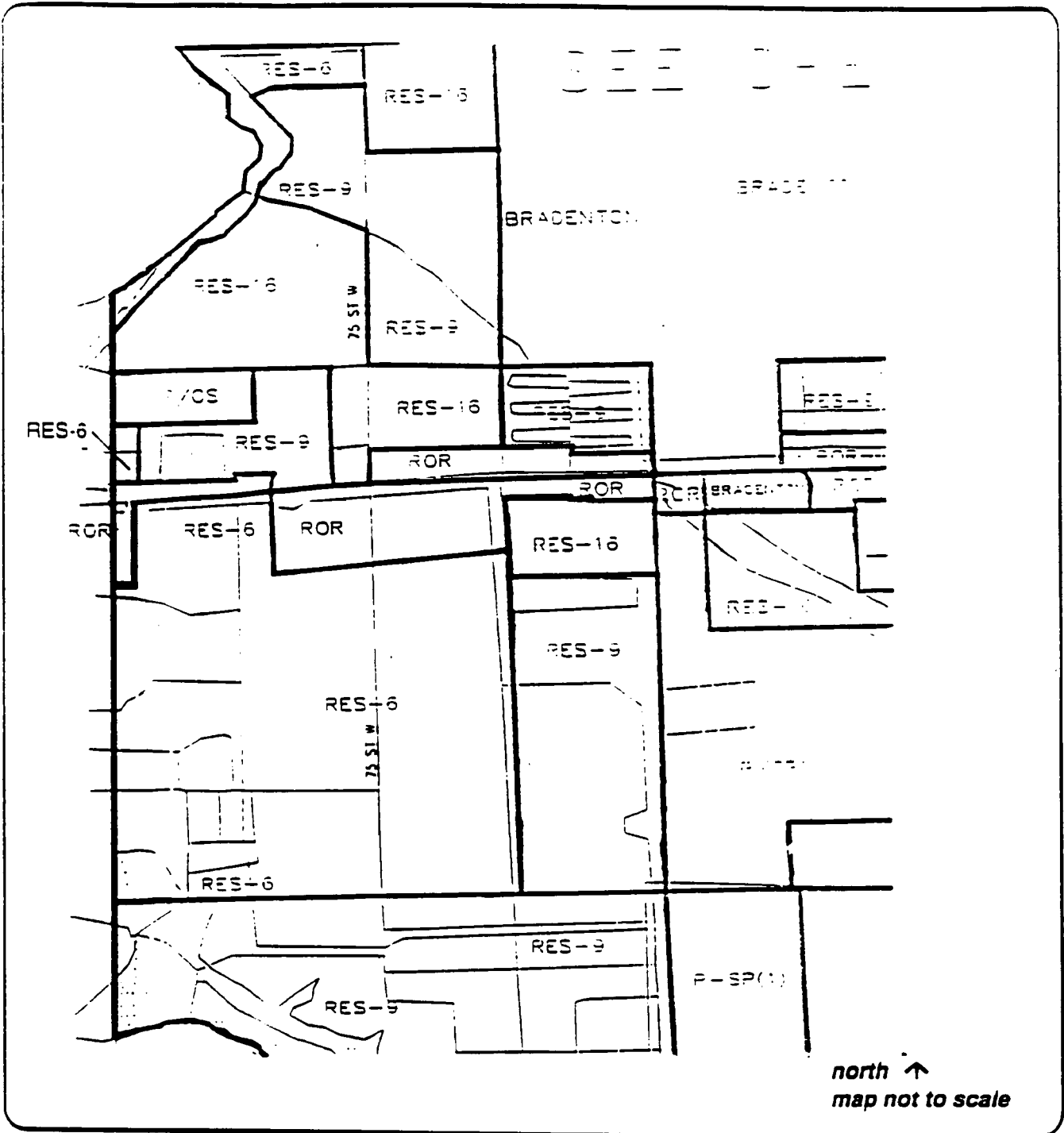



EXHIBIT 5 (PAGE 2 OF 2)
ORDINANCE 93-16

Future Land Use Map
 Sheet No. 18

 EXISTING CATEGORY
 N/A/
 PROPOSED CATEGORY
 N/A

SECTION- TOWNSHIP-RANGE
 6,7,18-35-17

SECTION LINE CORRECTION

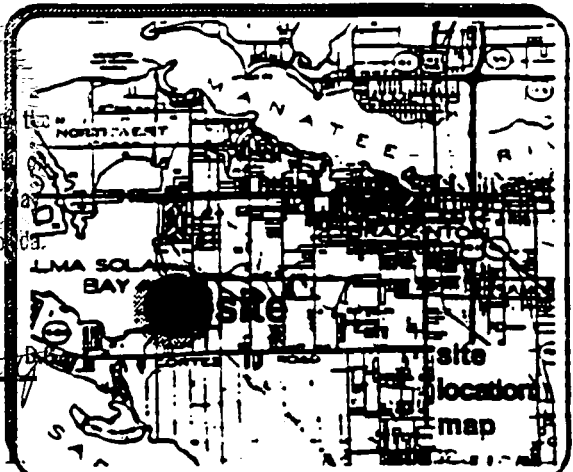
CASE NO.
 PA-93-11
 REQUESTED BY:
MANATEE COUNTY GOVERNMENT

ACRES
 ± N/A

PROPERTY OWNER(S):
 N/A
 COMMISSIONER:
STEPHENS
 TAX ID.:
 N/A

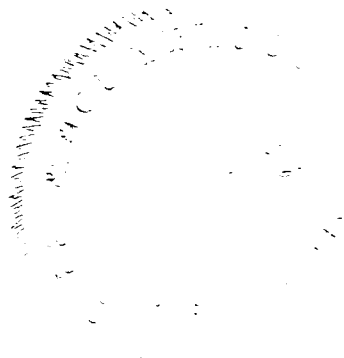
STATE OF FLORIDA COUNTY OF MANATEE
 I hereby certify that the foregoing is a true
 copy of ORDINANCE NO. 93-16 adopted by the
 Board of County Commissioners of said County
 the 30 day of November, 1993, this
 of December, 1993, in Bradenton, Florida.

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



map prepared: 04/02/93
 map revised:

Cops to Barbara
Tyler
12/13/53
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

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)