

ORDINANCE 01-01

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 (MAP 13) FROM: 1) PARCELS A (3.89 ± ACRES) & B (9.89 ± ACRES) FROM RES-6 (RESIDENTIAL -6 DWELLING UNITS PER ACRE) TO IU (INDUSTRIAL URBAN) (13.78 ± ACRES FOR BOTH PARCELS) LOCATED EAST OF AND ADJACENT TO 15TH STREET EAST DIRECTLY SOUTH OF ITS INTERSECTION WITH 17TH AVENUE EAST AND 2) PARCEL C (0.62 ± ACRES) - FROM ROR (RETAIL/OFFICE/RESIDENTIAL) AND IL - (INDUSTRIAL LIGHT) TO IU (INDUSTRIAL URBAN) LOCATED ALONG THE SOUTH EDGE OF THE CSX RAILROAD ROW AT ITS INTERSECTION WITH US 41 (1ST STREET EAST) ADJACENT TO THE NORTH EDGE OF THE RED BARN FLEA MARKET PARKING LOT; CONSISTING OF 14.4 ± TOTAL ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
AUG 6 7 38 AM '01

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, as amended, 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

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

and ordinances, considered an amendment to the Manatee County Comprehensive Plan, altering Map 23 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 March 8, 2001, 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 on March 27, 2001, 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 June 4, 2001 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 July 24, 2001 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

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 IU FLUC land uses of the proposed plan amendment have been found by the Board of County Commissioners to be more compatible with surrounding land uses in the area than are the current IL (Industrial Light), ROR (Retail/Office/Residential), and RES-6 (Residential - 6 dwelling units per acre) land uses; and found to be consistent with the goals, objectives, and policies of the comprehensive plan and the Technical Support Document for general location of Future Land Use Categories; 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 process for amendment of an adopted Comprehensive Plan as provided for in Section 163.3189, Florida Statutes.

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: The whereas clauses set forth above are hereby adopted as findings by the Board for the adoption of this Ordinance. 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, IL (Industrial Light), ROR (Retail/Office/Residential), and RES-6 (Residential - 6 dwelling units per acre) to IU (Industrial Urban). The legal description of the property affected is more particularly described as follows:

Legal Description:

PARCEL A

COM AT THE NW COR OF THE SW1/4 OF SEC 31-34-18, TH S 89 DEG 14 MIN 43 SEC E, ALG THE N LN OF SD SW1/4, A DIST OF 42 FT TO THE INTERSEC OF SD LN AND THE E R/W LN OF 15TH ST E, FOR A POB; TH CONT S 89 DEG 14 MIN 43 SEC E, ALG SD 1/4 LN, A DIST OF 388.61 FT; TH S 00 DEG 00 MIN 07 SEC E, 158.19 FT; TH S 89 DEG 43 MIN 21 SEC W, 20.92 FT; TH S 00 DEG 00 MIN 07 SEC E, 170.96 FT; TH S 89 DEG 38 MIN 07 SEC W, 85.60 FT, TH S 00 DEG 15 MIN 38 SEC E, 163.33 FT, TH N 88 DEG 40 MIN 42 SEC W, 282.90 FT TO A PT ON THE AFOREMENTIONED E R/W LN OF 15TH ST E; TH N ALG SD R/W LN, A DIST OF 491.71 FT TO THE POB, SUBJ TO A 40 FT WIDE DRAINAGE EASMT PARALLEL AND CONTIGUOUS TO THE N LN IN OR 1056 P 94, CONT 3.89 AC M/L PI#13793.0005/9

PARCEL B

"PARCEL B" COM AT THE NW COR OF THE SW 1/4 OF SEC 31-34S-18E; TH S DEG 14 MIN 43 SEC E, ALG THE N LN OF SD SW 1/4, A DIST OF 430.81 FT FOR A POB; TH CONT S 89 DEG 14 MIN 43 SEC E ALG SD 1/4 SEC LN, A DIST OF 230.97 FT; TH S 00 DEG 07 MIN 32 SEC W, 972.70 FT; TH N 89 DEG 14 MIN 57 SEC W, 617.41 FT TO A PT ON THE AFOREMENTIONED E R/W LN OF 15TH ST E; TH N ALG SD R/W LN, A DIST OF 481.07 FT; TH S 88 DEG 40 MIN 42 SEC E, 282.90 FT; TH N 00 DEG 15 MIN 38 SEC W, 163.33 FT; TH N 89 DEG 38 MIN 07 SEC E, 85.60 FT; TH N 00 DEG 00 MIN 07 SEC W, 170.96 FT; TH N 89 DEG 43 MIN 21 SEC E, 20.92 FT; TH N 00 DEG 00 MIN 07 SEC W, 158.19 FT TO THE POB (O.R. 1619 P 4814) SUBJECT TO: A 20 FT WIDE DRAINAGE EASMT, PARALLEL AND CONTIGUOUS TO THE E AND S LN THEREOF; ALSO THE W 20 FT OF THE E 40 FT

OF THE N 40 FT OF THE S 60 FT THEREOF, ALSO 40 FT WIDE AND PARALLEL AND CONTIGUOUS TO THE N LN, SUBJ TO DRAINAGE EASMTS AS DESC AND REC IN O.R. 1956 P 94-95, SUBJ TO UNTILITY EASMTS AS DESC AND REC IN O.R. 1242 P 6

PARCEL C

COM AT THE SE COR OF THE SW1/4 OF SEC 36; TH N 00 DEG 19 MIN 50 SEC E ALG THE ELY LN OF THE SW1/4 OF SD SEC 36 A DIST OF 1437.44 FT TO THE INT WITH THE SWLY LN OF THE C.S.X. R.R. R/W (FORMERLY KNOWN AS THE SEABOARD COASTLINE R.R.); TH N 53 DEG 11 MIN 51 SEC W ALG THE SWLY LN OF SD C.S.X. R.R. R/W PARALLEL WITH THE C.S.X. MAIN LINE TRACK C/L AND 65 FT SWLY THEREFROM A DIST OF 67.18 FT TO THE INT OF THE SWLY LN OF THE C.S.X. R.R. R/W WITH THE WLY R/W OF 9TH ST E AS SHOWN ON F.D.O.T. R/W MAPS SECTION 13120-2506 FOR A POB; TH CONT N 53 DEG 11 MIN 51 SEC W ALG SD SWLY C.S.X. R.R. R/W PARALLEL WITH SD MAIN TRACK C/L AND 65 FT SWLY THEREFROM A DIST OF 374.18 FT; TH S 88 DEG 54 MIN 10 SEC E ALG SD SWLY C.S.X. R.R. R/W 68.54 FT; TH N 53 DEG 11 MIN 51 SEC W ALG SD SWLY C.S.X. R.R. R/W PARALLEL WITH SD C.S.X. MAIN TRACK C/L AND 25 FT SWLY THEREFROM A DIST OF 1446.68 FT; TH N 89 DEG 05 MIN 05 SEC W ALG SD SWLY C.S.X. R.R. R/W 68.24 FT; TH N 53 DEG 11 MIN 51 SEC W PARALLEL WITH SD C.S.X. MAIN TRACK

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 final order finding 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 24th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Quay E. Stein
First Vice Chairman

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

By: [Signature]



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 25th day of July 2001
R.B. SHORE
Clerk of Circuit Court
By: [Signature] C.C.

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Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
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July 31, 2001

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY FLORIDA
AUG 6 7 37 AM '01

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated July 26, 2001 and certified copies of Manatee County Ordinance Nos. 01-01, 01-02, 01-04 through 01-07, 01-42, 01-43, 01-48, PDI-01-03(Z), PDC-01-04(Z)(G) and Z-01-09, which were filed in this office on July 30, 2001.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

Municipal Code Corporation
info@mail.municode.com
PO Box 2235
Tallahassee, FL 32316-2235

Supplement 50

08/13/2001

We have received the following material through hard copy. Thank you for your assistance and cooperation.

Ordinance Nos. 01-01, 01-02, 01-04, 01-05, 01-06, 01-07, 01-42, 01-43 and 01-48.

800-262-2633 fax 850-575-8852

RJJ

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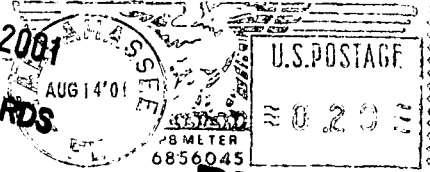
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AUG 16 2001

SWITCHBOARD

TO:

Mr. R.B. "Chips" Shore

Clerk Of Circuit Court

Manatee County

PO Box 25400

Bradenton, FL 34206

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8/6/01

Copy K. Sparks, Planning
B. Tyler, BCC
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