

ORDINANCE 01-02

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY FLORIDA
AUG 6 7 38 AM '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 FROM IL INDUSTRIAL-LIGHT TO P/SP(1) PUBLIC/SEMI-PUBLIC (1) FOR CERTAIN LAND LOCATED AT 3105 BUCKEYE ROAD AND 11951 BUD RHODEN ROAD, CONSISTING OF 18.99+ ACRES; 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, 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 and ordinances, considered an amendment to the Manatee County Comprehensive Plan as amended, altering 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

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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 future land use classification for the property initially approved is no longer appropriate because a change in circumstances has been demonstrated by the applicant;

WHEREAS, the P/SP(1) Public/Semi-Public (1) 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 is the current IL Industrial-Light land use and has been 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 the procedure for amendment of an adopted Comprehensive Plan or plan element which has been found to be in compliance

as prescribed by 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 future land use 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, as amended, 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 IL Industrial-Light to P/SP(1) Public/Semi-Public (1). A description of the property affected is more particularly described as follows:

Legal Description:

A parcel of land lying in Sections 7 and 8, Township 33 South, Range 18 East, Manatee County, Florida, being more particularly described as follows:

Commence at the northwest corner of the west ½ of the southwest 1/4 of said Section 8; thence S00°49'47"E, along the west line of said west ½ of the southwest 1/4, a distance of 30.00 feet to a point on the south monumented right-of-way line of Buckeye Road for a Point of Beginning; thence continue S00°49'47"E, along said west line, a distance of 170.01 feet; thence N89°48'06"E, 170.00 south of and parallel to said south right-of-way line of Buckeye Road, a distance of 1294.61 feet to a point on the west monumented right-of-way line of Bud Rhoden Road; thence S01°06'02"E, along said west right-of-way line, a distance of 720.01 feet; thence S88°53'58"W, 1642.67 feet to a point on the west line of Lot 8 of Givler's Subdivision, being a resubdivision of John Piplack's Subdivision as per plat thereof recorded in Plat Book 2, Page 145, Public Records of Manatee County, Florida; thence N00°49'47"W, along the west line of said Lot 8 and the west line of Lot 1 of said Givler's Subdivision, a distance of 917.03 feet to a point on the aforementioned south right-of-way line of Buckeye Road; thence east, along said south right-of-way line, a distance of 344.75 feet to the point of beginning.

Containing 28.96 acres, more or less.

Less the following parcel of land:

A parcel of land lying in Section 8, Township 33 South, Range 18 East, Manatee County, Florida, being more particularly described as follows:

Commence at the northwest corner of the west ½ of the southwest 1/4 of said Section 8; thence S00°49'47"E, along the west line of said west ½ of the southwest 1/4, a distance of 30.00 feet to a point on the south right-of-way line of Buckeye Road; thence 89°48'06"E, along said south right-of-way line, a

distance of 1293.81 feet to the point of intersection of said south right-of-way line and the west right-of-way line of Bud Rhoden Road; thence S01°06'02"E, along said west right-of-way line, a distance of 672.03 feet for a Point of Beginning; thence continue S01°06'02"E, along said west right -of-way line, a distance of 218.00 feet; thence S88°53'58"W, 190.00 feet; thence N01°06'02"W, 70.00 feet; thence S89 °48'06"W, 605.00 feet; thence N01°06'02"W, 628.00 feet; thence N89°48'06"E, 90.00 feet; thence N01°06'02"W, 25.00 feet to a point 170.00 feet south of the aforementioned south right-of-way line of Buckeye Road; thence N89°48'06"E, parallel to said south right-of-way line, a distance of 515.00 feet to a point 190.00 feet west of the aforementioned west right-of-way line of Bud Rhoden Road; thence S01°06'02"E, parallel to said west right-of-way line a distance of 505.00 feet; thence N88°53'58"E, 190.00 feet to the point of beginning.

Containing 9.97 acres, more or less.

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: Amy E. Stein
Joe McClash, Chairman
by Amy Stein, First Vice Chairman

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

By: Russell B. Shore



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: Marlene Spatcher C.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

July 31, 2001

FILED FOR RECORD
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 850-575-9852

RIJ

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SWITCHBOARD

TO:

Mr. R.B. "Chips" Shore

Clerk Of Circuit Court

Manatee County

PO Box 25400

Bradenton, FL 34206

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