

ORDINANCE 01-12

FILED FOR RECORD
CLERK OF COUNTY COURT
MANATEE COUNTY, FLORIDA

Nov 16 12 55 PM '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 17) FROM RES-6 (RESIDENTIAL 6 DWELLING UNITS PER ACRE) TO R/O/R (RETAIL/OFFICE/RESIDENTIAL) LOCATED ALONG THE NORTHWEST INTERSECTION OF SR 64 AND KAY ROAD, EXCLUDING THE RACE TRAC PARCEL, CONSISTING OF 28.00 ± TOTAL ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2001 NOV 13 AM 9:52
FILED

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, altering Map 17 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 June 14, 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 June 26, 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 September 7, 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 November 6, 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 R/O/R (Retail/Office/Residential) 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 is the current RES-6 (Residential - 6 dwelling units per acre); 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 from RES-6 (Residential - 6 dwelling units per acre) to R/O/R (Retail/Office/Residential) generally shown on the map as Attachment "A".

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 6th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

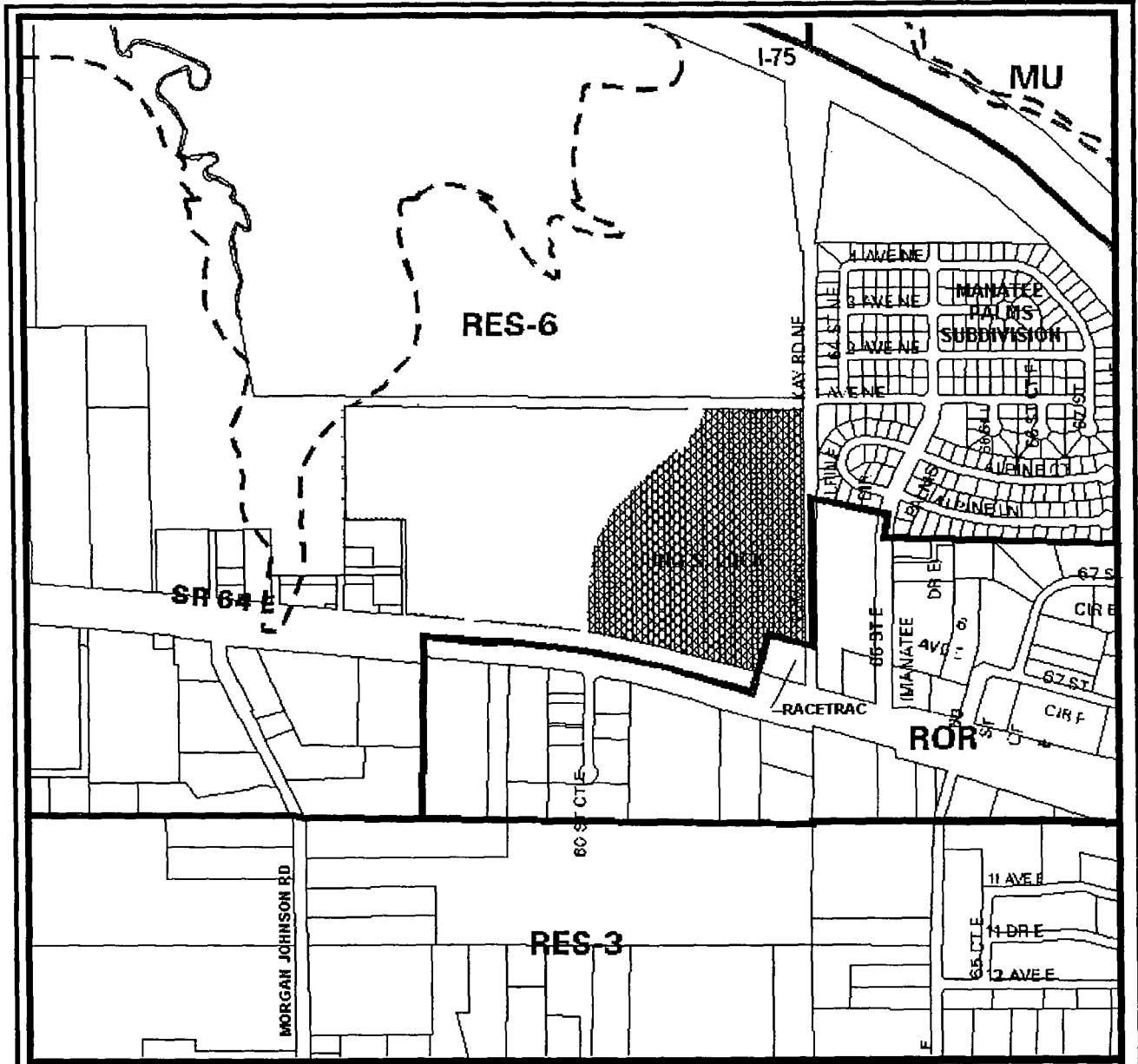
By: Joe Milase
Chairman



ATTEST: R. B. SHORE
Clerk of the Circuit Court
By: Susan [Signature]

ATTACHMENT "A"

Page 1 of 3



Project Number: PA-01-09 ORD. 01-12
Proposed Use: N/A
Proposed FLUC: ROR
Existing Zoning: A-1, PD-C
Existing FLUC: RES-6
Flood Zone: X, X5
Floodway: NO
Acreage: 28.00
Drainage Basin: LOWER MANATEE DIR.
Commissioner: Jonathan Bruce
Map Prepared: October 31, 2001
Requested By: Jung S. Luck
Section: 27 Township: 34 Range: 18

Tax I.D.: 111130020 (PART OF)

**Manatee County
 Future Land Use
 Staff Report Map**
1 inch = 710'

Overlays:
 ST, AI, HA, WR, RV: NONE
 Watershed: NONE
 Coastal Hazard: YES

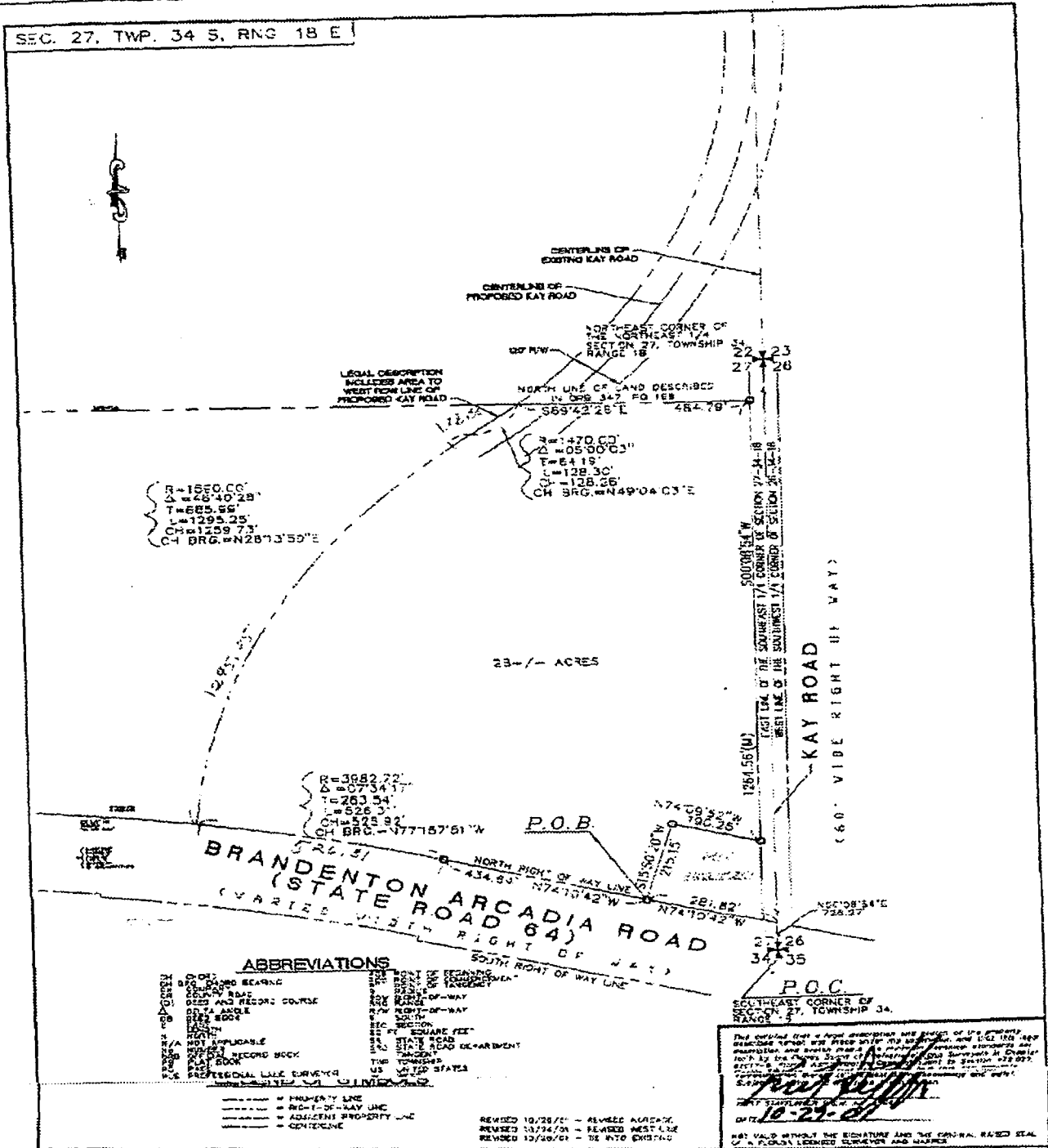

 Coastal High Hazard Line

ATTACHMENT "A"

10/28/01 13:11 FAX 561 562 9898

NHA URG VERO

0003



1057	N13	SKETCH OF LEGAL DESCRIPTION	BY	DATE
		LUCK PROPERTY MANATEE COUNTY, FLORIDA	DATE	DATE
SKETCH OF LEGAL DESCRIPTION LUCK PROPERTY MANATEE COUNTY, FLORIDA			BY DATE	DATE DATE



ATTACHMENT "A"

SEC. 27, TWP. 34 S, RNG. 18 E

LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN A PORTION OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST;

THENCE, BEARING NORTH 00°05'54" EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 726.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 64 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION No. 13050-2516;

THENCE, LEAVING SAID EAST LINE OF SECTION 27, BEARING NORTH 74°04'21" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 281.82 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, CONTINUE ALONG SAID RIGHT-OF-WAY LINE, BEARING NORTH 74°10'42" WEST, A DISTANCE OF 434.84 FEET TO A POINT;

SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, AND HAVING A RADIUS OF 3982.72 FEET, RADIUS BEARS AT SAID POINT SOUTH 13°49'13" WEST, THENCE, NORTHWESTERLY A DISTANCE OF 526.31 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°34'17", TO A POINT OF NON-TANGENCY;

SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, AND HAVING HAVING A RADIUS OF 1590.00 FEET, RADIUS BEARS AT SAID POINT SOUTH 85°08'24" EAST, THENCE, NORTHEASTERLY A DISTANCE OF 1295.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48°40'28", TO A POINT, NORTH LINE OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 347, PAGE 168, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA;

SAID POINT BEING THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY, AND HAVING HAVING A RADIUS OF 1470.00 FEET, RADIUS BEARS AT SAID POINT NORTH 38°25'56" WEST, THENCE, NORTHEASTERLY A DISTANCE OF 128.30 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°00'03", TO A POINT OF NON-TANGENCY ON THE NORTH LINE OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 347, PAGE 168, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA;

THENCE, BEARING SOUTH 09°42'26" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 484.79 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF KAY ROAD (A 30' WIDE RIGHT-OF-WAY);

THENCE, BEARING SOUTH 00°08'54" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1264.56 FEET TO A POINT;

THENCE, LEAVING SAID WEST RIGHT-OF-WAY LINE, BEARING NORTH 74°09'52" WEST, A DISTANCE OF 180.25 FEET TO A POINT;

THENCE, BEARING SOUTH 15°50'20" WEST, A DISTANCE OF 215.15 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN 25 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

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



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

01-12
HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

November 14, 2001

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 November 7, 2001 and certified copies of Manatee County Ordinance Nos. Z-89-46(C)(R-5), 01-03, 01-12 through 01-14 and 01-58, which were filed in this office on November 13, 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

FILED FOR RECORD
R. B. SHORE
CLERK OF CIRCUIT COURT
NOV 16 12 55 PM '01

RECEIVED

DEC 03 2001

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

BOARD RECORDS

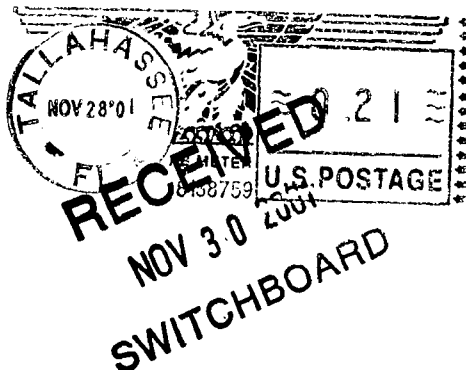
Supplement 51

11/27/2001

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

Ordinance Nos. 01-03, 01-12, 01-14, 01-58, 01-36 and 01-13.

800-262-2633 fax 850-575-8852 BJJ
Get our 50th Anniversary Cookbook at municode.com
e-mail your ords to us at ords@mail.municode.com
Tired of mailing out Codes and Supplement?
Don't want to print additional copies of Codes?
Let us handle the distribution and sales for you.



TO:
Ms. Susan Romine
Board Records Supervisor
Manatee County
PO Box 25400
Bradenton, FL 34206

33

