

FILED FOR RECORD
R.B. SHORE
JAN 15 2001
1:5 PM '01

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN, ORDINANCE 89-01, AS AMENDED; PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 2001 AND APPLICABLE DATA, AND ADDING FISCAL YEAR 2006 AND APPLICABLE DATA TO TABLES 10-1, 10-2, 10-3 AND 10-4, OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AN AMENDMENT TO TABLE 10-1: SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS, FY 2001-2005, INVOLVING REVISIONS TO SCOPE, FORMAT, TIMEFRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS, DRAINAGE PROJECTS, PARKS PROJECTS, SANITARY SEWER PROJECTS, SOLID WASTE PROJECTS, POTABLE WATER PROJECTS, AND MASS TRANSIT PROJECTS; PROVIDING FOR COUNTERPART AMENDMENTS TO TABLE 10-2: GENERAL GOVERNMENT FUNDING OF CAPITAL IMPROVEMENTS, FY 2001-2005; TABLE 10-3: ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS, FY 2001-2005; TABLE 10-4: SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS, FY 2001-2005; PROVIDING FOR THE AMENDMENT OF RELATED INFORMATION NECESSARY TO IMPLEMENT THE CHANGES TO THE CAPITAL IMPROVEMENTS SCHEDULE; 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 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 81-04; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of the County of Manatee, Florida by Ordinance 81-04 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

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WHEREAS, on September 13, 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 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 October 29, 2001, transmitted their comments on said amendment to the comprehensive plan; and

WHEREAS, said amendment to the comprehensive plan was found to be consistent with the comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on November 27, 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 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 comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the development provisions initially approved in the Capital Improvements Element are no longer appropriate because changes in circumstances involving time passage, completion of projects, and growth requiring new projects, have been demonstrated by the applicant; and

WHEREAS, the Board of County Commissioners has reevaluated infrastructure needs to meet specified levels of service within the adopted comprehensive plan, added infrastructure needs for fiscal year 2006, reviewed available finances for payment of infrastructure needs, and developed an amended Capital Improvements Element that balances anticipated costs and expenditures; 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: Based upon the foregoing, which are adopted as findings of fact by the Board of County Commissioners, it has been determined that the existing tablessought 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. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, as amended, shall be amended as follows:

- A. Table 10-1, Schedule of Capital Improvement Projects, FY 2001-2005, of Chapter 10, Part II, Implementation, Section A, Schedule of Capital Improvements, of the Capital Improvements Element is hereby amended to read in its entirety as shown in Exhibit A, attached hereto and hereby incorporated by reference.
- B. Table 10-2, General Government Funding of Capital Improvements, FY 2001-2005, of Chapter 10, Part II, Implementation, Section B, Projected Costs and Revenue Sources by Type of Public Facility, of the Capital Improvements Element is hereby amended to read in its entirety as shown in Exhibit B, attached hereto and hereby incorporated by reference.
- C. Table 10-3, Enterprise Operations Funding of Capital Improvements, FY 2001-2005, Chapter 10, Part II, Implementation, Section B, Projected Costs and Revenue Sources by Type of Public Facility, of the Capital Improvements Element is hereby amended to read in its entirety as shown in Exhibit C, attached hereto and hereby incorporated by reference.
- D. Table 10-4, Summary of Revenues and Expenditures for Capital Projects, FY 2001-2005, of Chapter 10, Part II, Implementation, Section B, Projected Costs and Revenue Sources by Type of Public Facility, of the Capital Improvements Element is hereby amended to read in its entirety as shown in Exhibit D, attached hereto and hereby incorporated 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: The effective date of this plan amendment shall be: the date a final order is issued by the Department of Community Affairs finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance with Section 163.3184, Florida Statutes.

PASSED AND DULY ADOPTED, with a quorum present and voting this the 27th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: *Craig E. Stein*
FIRST VICE-CHAIRMAN

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

By: *Joseph A. Harris*




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 30TH day of

NOVEMBER, 20 01

R.B. SHORE
Clerk of Circuit Court

By: *Nancy Harris* D.C.

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H. B. ...
CLERK OF CIRCUIT COURT
MANATEE COUNTY

December 3, 2001

DEC 5 4 45 PM '01

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

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BOARD RECORDS

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 30, 2001 and certified copies of Manatee County Ordinance Nos. 01-17, PDR-01-05(Z)(P) and PDR-01-07(Z)(P), which were filed in this office on December 3, 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

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us