

ORDINANCE 01-38

FILED FOR RECORD
R.B. SHURE
CLERK, CIRCUIT COURT
JUN 15 8 56 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 A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM UF-3 URBAN FRINGE - 3 TO RES-6 RESIDENTIAL - 6 FOR CERTAIN LAND LOCATED IN NORTHEAST MANATEE COUNTY, EAST OF INTERSTATE 75, AND SOUTH OF MOCASSIN WALLOW ROAD INTERNAL TO THE REGENCY OAKS SUBDIVISION, CONSISTING OF APPROXIMATELY 1.30+/- 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, as amended; 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, Sections 163.3187(1)(c), Florida Statutes, as amended, empowers the local government to adopt small scale amendments, waiving the objections, recommendation and comments review; and,

WHEREAS, the proposed amendment encompasses 10 acres or less and meets the requirements to qualify for adoption as small area plan amendment under Section 163.3187(1)(c), Florida Statutes; and,

WHEREAS, the Manatee County has not exceeded the maximum number of acres provided for in Section 163.3187 Florida Statutes for small scale plan amendments; and

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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 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 10, 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 May 22, 2001, to consider the amendment and adopt the amendment in accordance with Section 163.3187(1)(c), Florida Statutes; 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 and the recommendations of the Planning Commission; and,

WHEREAS, the amendment of any part of the Comprehensive Plan shall be considered as a major policy decision of the Board of County Commissioners; and,

WHEREAS, the land uses in the RES-6 Future Land Use Category 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, the proposed amendment involves a use of ten acres or fewer and meets the criteria for a small scale plan amendment found in Section 163.3187 (1)(c), Florida Statutes.

WHEREAS, this Plan Amendment has been adopted pursuant to the Section 163.3187 (1) (c), Florida Statutes, which states that amendments directly related to proposed small scale development activities may be approved without regard to the statutory limits on frequency of consideration of amendments to the local comprehensive plan.

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 UF-3 Urban Fringe - 3 units per gross acre to RES-6 Residential - 6 units per gross acre. A description of the property affected is more particularly described as follows:

Legal Description:

A parcel of land located in Regency Oaks II, a subdivision, as recorded in Plat Book 28, Pages 195 thru 206 of the Public Records of Manatee County, Florida, described as follows:

Begin at the Eastern-most corner of lot 48 of said Regency Oaks II, said point also being a point on the Northerly Right-of-Way line of 86th Street East; thence North 31°40'00" West, along the Northeasterly line of said Lot 48, a distance of 100.45 feet to a Point of Curvature of a curve to the left, having a radius of 775.00 feet; thence Northwesterly, along the arc of said curve to the left and the Northeasterly lines of Lots 49, 50, and 51 of said Regency Oaks II, through a central angle of 17°35'15", a distance of 237.89 feet to a Point of Intersection with the West line of the Southeast 1/4 of Section 22, Township 33 South, Range 18 East, Manatee County, Florida; thence South 02°27'41" West, along said West line of the Southeast 1/4 of Section 22, a distance of 466.93 feet to a Point of Intersection of the Southerly Right-of-Way line of aforesaid 86th Street East; thence North 58°20'00" East, along the Southerly Right-of-Way line of 86th Street East, a distance of 198.19 feet; thence North 31°40'00" West, a distance of 51.89 feet to aforesaid

Northerly Right-of-Way line of 86th Street East; thence Northeasterly, along aforesaid Northerly Right-of-Way line of 86th Street East, the following two (2) courses: 1) North 58°20'00" East, a distance of 61.15 feet to a Point of Curvature of a curve to the left, having a radius of 400.00 feet; thence 2) Northeasterly, along the arc of said curve to the left, through a central angle of 05°34'24", a distance of 38.91 feet to aforesaid Easternmost corner of Lot 48 and the Point of Beginning. Lying and being in Section 22, Township 33 South, Range 18 East, Manatee County, Florida.

Containing 1.30 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 by a court of competent jurisdiction, 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 small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187 (3) Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes.

PASSED AND DULY ADOPTED, with a quorum present and voting, this 5th day of June, 2001.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Joe McClash
Joe McClash, Chairman

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

By: R. 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 5th day of June, 2001

R. B. SHORE
Clerk of Circuit Court

By: R. B. Shore D.C.

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Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

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R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
JUN 15 8 56 AM '01

June 12, 2001

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

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 7, 2001 and certified copy of Manatee County Ordinance No. 01-38, which was filed in this office on June 11, 2001.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure