

ORDINANCE 01-42

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 IL INDUSTRIAL LIGHT TO P/SP(1) PUBLIC/SEMI-PUBLIC(1) FOR CERTAIN LAND LOCATED AT 13950 U.S. 41 NORTH, CONSISTING OF 9.986 +/- 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, 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, recommendations 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

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

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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 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 July 24, 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 Board of County Commissioners has determined that the future land use classification for the properties initially approved are no longer appropriate because a change in circumstances has been demonstrated by the applicant;

WHEREAS, the land uses in the P/SP(1) 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.

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 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 the South Half of Section 5, Township 33 South, Range 18 East, Manatee County, Florida, described as follows:

To locate the point of beginning, commence at the Southeast corner of said Section 5, Township 33 South, Range 18 East, Manatee County, Florida; thence North 89° 17' 02" West along the South line of said Section 5 a distance of 1382.35 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 5; thence North 02° 07' 25" East a distance of 1335.33 feet to the Northwest corner of said Southeast Quarter of the Southeast Quarter; thence North 89° 11' 58" West a distance of 2555.07 feet; thence North 89° 11' 58" West a distance of 237.95 feet; thence North 00° 48' 02" East a distance of 90.00 feet to the POINT OF BEGINNING; thence North 89° 11' 58" West a distance of 870.00 feet; thence North 00° 48' 02" East a distance of 500.00 feet; thence South 89° 11' 58" East a distance of 870.00 feet; thence South 00° 48' 02" West a

distance of 500.00 feet to the POINT OF BEGINNING.

Containing 9.986 acres, more or less.

Basis of Bearings: All bearings shown hereon are based on the south boundary of Section 5, Township 33 South, Range 18 East as being North 89° 17' 02" West, said bearing is based upon the North American Datum of 1983 Universal Transverse Mercator Zone 17 North Coordinates.

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.

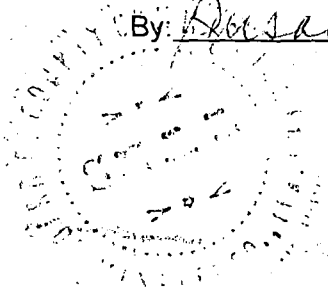
PASSED AND DULY ADOPTED, with a quorum present and voting, this 24th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: *Joe McClash*
Joe McClash, Chairman
By *Amy Stein*, First Vice Chairman

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

By: *Susan B. Conner*



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*, 20*01*
R. B. SHORE
Clerk of Circuit Court
By: *Maria... p.c.*

Municipal Code Corporation
info@mail.municode.com
PO Box 2235
Tallahassee, FL 32315-2235

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.

800-262-2622 fax 904-575-8852

PII

Get our 50th Anniversary Cookbook at unicode.com
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AUG 17 2001

BOARD RECORDS

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AUG 18 2001

SWITCHBOARD

TO:

Mr. P.B. "Chips" Shore
Clerk Of Circuit Court
Manatee County
PO Box 25400
Bradenton, FL 34206

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B. Syler, BCC
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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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RINGLING MUSEUM OF ART

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