

ORDINANCE NO.06-06

2006 AUG 29 AM 10: 00

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT, PROVIDING FINDINGS; AND PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP FROM CON (CONSERVATION) AND R/OS (RECREATION-OPEN SPACE) TO AG/R (AGRICULTURE-RURAL-0.20 DWELLING UNITS PER ACRE) AND UF-3 (URBAN FRINGE - 3 DWELLING UNITS PER ACRE) FOR PRIVATELY OWNED LANDS THROUGHOUT MANATEE COUNTY; AS ASSIGNED AND RETAINING ALL OVERLAYS AS APPROPRIATE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (+/- 183 ACRES)

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

2006 AUG 23 AM 9: 24  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

**WHEREAS**, Sec 163.316 through 163.3215 Florida Statutes, titled the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"), empowers and requires County (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 No. 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 established the Manatee County Comprehensive Plan; and

**WHEREAS**, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency as established by Ordinance 90-01, 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 for the adoption of this Ordinance and the amendment of the

County's Comprehensive Plan, provided herein, have been met or exceeded; and

**WHEREAS**, on March 9, 2006, 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 March 21, 2006, to consider the amendment and the transmittal of the proposed amendment to the Florida Department of Community Affairs in accordance with Sec 163.3184 F.S.; and

**WHEREAS**, the State Land Planning Agency, by letter dated June 19, 2006, transmitted their comments and objections on said amendment to the comprehensive plan; and

**WHEREAS**, said amendment to the comprehensive plan was revised as appropriate to address comments by the State Land Planning Agency; and,

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, on August 16, 2006, the Board of County Commissioners of Manatee County, Florida held another public hearing which was continued to August 17, 2006, with due public notice having been provided to consider 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 of an error in the adopted plan has been demonstrated by the applicant; and

**WHEREAS**, the land uses authorized pursuant to 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 are the current CON (CONSERVATION) AND R/OS (RECREATION-OPEN SPACE) land uses; 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 Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the 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**, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County 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 Sec 163.3161 through 163.3215 F.S. and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the Whereas clauses above are true and correct and 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 designation for the property subject to the amendment is no longer appropriate and should be amended as described in Section 3 below.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property, described on Exhibit "A" hereto, which is incorporated herein by reference, from CON (CONSERVATION) AND R/OS (RECREATION-OPEN SPACE) TO AG/R (AGRICULTURE-RURAL) AND UF-3 (URBAN FRINGE) (183+/- acres). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County's Comprehensive Plan pursuant to Ordinance No. 89-01, as amended.

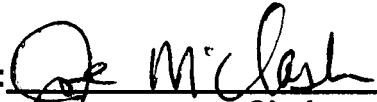
Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application 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.

Section 5. Effective Date: This Ordinance shall take effect immediately upon the State Land Planning Agency, as defined in Section 163.3164, Florida Statutes,

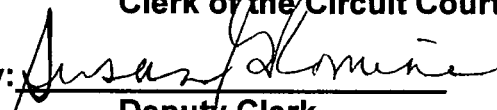
issuing a final order finding the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or upon the Administration Commission issuing a final order finding the Ordinance to be in compliance in accordance with Section 163.3184(10), or whichever occurs first.

**PASSED AND DULY ADOPTED**, in open session, with a quorum present and voting this 17<sup>th</sup> day of August, 2006.

**BOARD OF COUNTY  
COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By:   
Chairman

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

By:   
Deputy Clerk



## EXHIBIT "A"

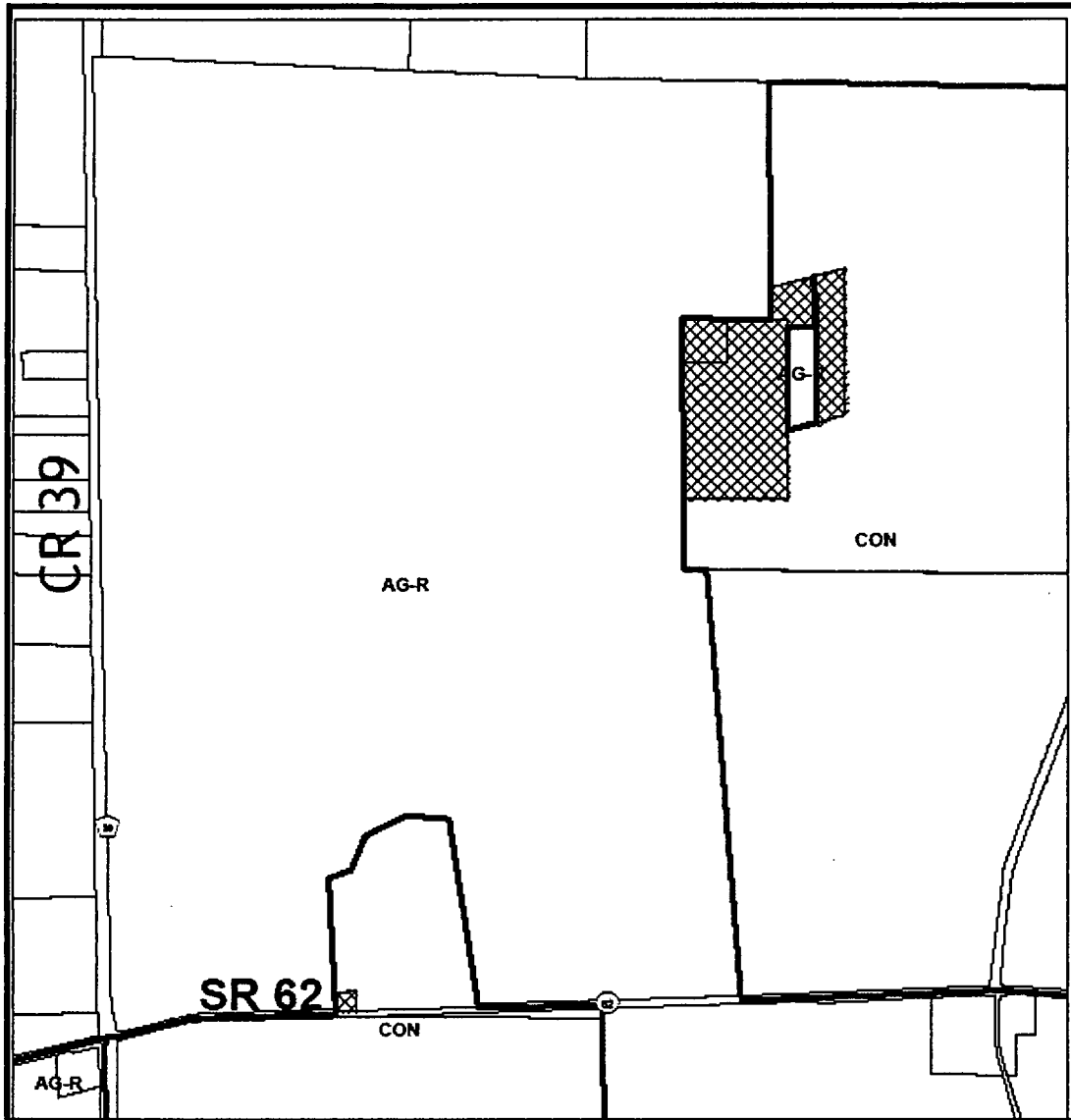
## Carlton Road Parcels

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	AG/R	CON/WPM	12.00	Eugene Yon	11415 Carlton Road
2	CON	AG/R	CON/WPM	5.00	Richard Casey	11425 Carlton Road
3	CON	AG/R	CON/WPM	50.00	Conrad Family Ltd.	11455 Carlton Road
4	CON	AG/R	CON/WPM	10.00	Conrad Family Ltd.	11475 Carlton Road
TOTAL ACRES				77.00		

## SR 62 Parcel

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	AG/R	A/WPM	1.0	Peace River Electric	38650 – SR 62
TOTAL ACRES				1.0		

### EXHIBIT "A" CARLTON ROAD PARCELS

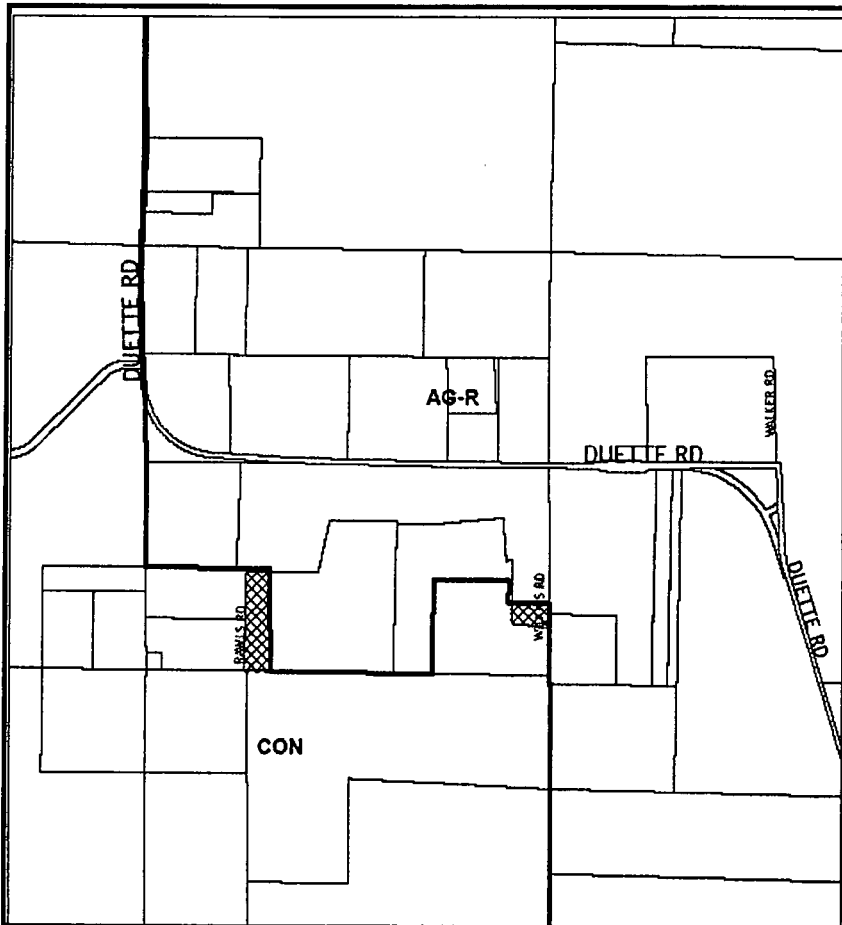


<b>Tax ID #(s)</b>	15200009, 15700008 (PART OF), 16100000, 16110009, 16610008		Manatee County Future Land Use Staff Report Map 1 inch equals 1,503 feet
<b>Project Number:</b>	PA-06-08 CARLTON ROAD	<b>Existing Zoning:</b>	CON/WP-M/ST
<b>Proposed Use:</b>	N/A	<b>Existing FLUC:</b>	CON
<b>Proposed Zoning:</b>	AG-R	<b>Acreage:</b>	78
<b>Requested by:</b>	MANATEE COUNTY	<b>Watershed:</b>	ManateeZone
<b>Flood Zone:</b>	X	<b>Overlays:</b>	ST
<b>Floodway:</b>	N	<b>Special Areas:</b>	NONE
<b>FIRM:</b>	275 C	<b>Impact District:</b>	NE-F
<b>Evac Zone:</b>	NONE	<b>CHH:</b>	NONE
<b>Commissioner:</b>	Amy Stein	<b>Fire District:</b>	Duette
<b>Map Prepared:</b>	10/3/2005 1:12:40 PM	<b>AFHD:</b>	RURAL-F
		<b>Sec Twn Rng:</b>	Sec 17, 19 Twn 33 Rng 22
		<b>Drain Basin:</b>	LAKE MANATEE, LITTLE MANATEE R

**EXHIBIT "A"**  
**Duette & Rawls Road Parcels**

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	AG/R	A, CON/WPM	9.21	Quality Metal Fabricators	2750 Rawls Road
2	CON	AG/R	A, CON/WPM	3.41	Peace Valley Groves, Inc.	3205 Duette Road
TOTAL ACRES				12.62		

## EXHIBIT "A" DUETTE & RAWLS ROAD



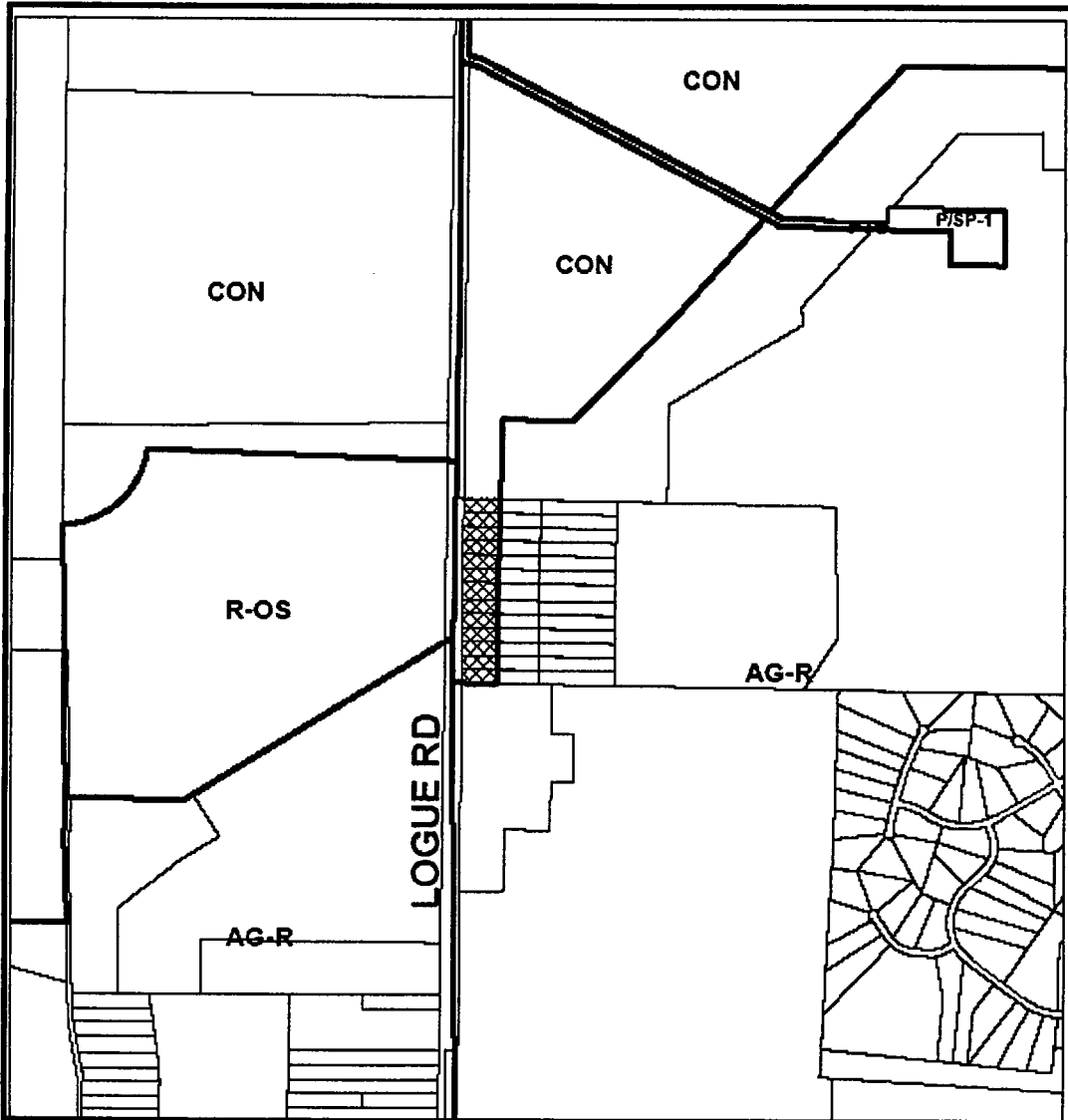
Tax ID #(s) 37600000(PART OF), 39600002 (PART OF)		Manatee County Future Land Use Staff Report Map 1 inch equals 1,388 feet	
Project Number:	PA-06-08 DUETTE RAWLS ROAD	Existing Zoning:	A, CON
Proposed Use:	N/A	Existing FLUC:	AG-R, CON
Proposed FLU:	AG-R	Acreage:	12.62
Requested by:	MANATEE COUNTY	Watershed:	ManateeZone
Food Zone:	X	Overlays:	ST
Foodway:	N	Special Areas:	Greenway
FIRM:	300_B	Impact District:	NE-F
Evac Zone:	NCNE	CHD:	NCNE
Commissioner:	Amy Stein	Fire District:	Duette
Map Prepared:	10/3/2005 1:35:58 PM	AFHD:	RURAL-F
		Sec Twn Rng:	Sec 16, 10, 11 Twn 34 Rng 22
		Drain Basin:	LAKE MANATEE



**EXHIBIT "A"**  
**Logue Road Parcels**

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	AG/R	AWPM	2.39	Rodney Rupert	414 Logue Road
2	CON	AG/R	AWPM	2.38	Shawn Gephart	424 Logue Road
3	CON	AG/R	AWPM	2.36	Tyler Bowser	454 Logue Road
4	CON	AG/R	AWPM	2.35	Jonathan Hutchins	464 Logue Road
5	CON	AG/R	AWPM	2.35	William Marney	534 Logue Road
6	CON	AG/R	AWPM	2.36	Daniel Bogusz	544 Logue Road
7	CON	AG/R	AWPM	2.95	Jason Hugh O'Brien	624 Logue Road
8	CON	AG/R	AWPM	2.34	James Ellsworth	634 Logue Road
9	CON	AG/R	AWPM	2.33	James Kane	724 Logue Road
10	CON	AG/R	AWPM	2.33	Fredericka Burrows	734 Logue Road
11	CON	AG/R	AWPM	2.34	Gary Parhamenko	824 Logue Road
12	CON	AG/R	AWPM	2.32	Giuliano Family Limited	834 Logue Road
13	CON	AG/R	AWPM	2.30	Shawn Sapuppo	934 Logue Road
TOTAL ACRES				31.1		

### EXHIBIT "A" LOGUE ROAD PARCELS



Tax ID #(s) 47600759,47600809,47600859,47600909,47600959, 476010509,47601109,47601009,  
47601159,47601209,47601259,47601309,47600709. (ALL PART OF)

Project Number: PA-06-08 LOGUE ROAD  
 Proposed Use: N/A  
 Proposed Zoning: AG-R  
 Requested by: MANATEE COUNTY

Flood Zone: X  
 Floodway: N  
 FIRM: 410\_C  
 Evac Zone: NCNE  
 Commissioner: Amy Stein  
 Map Prepared: 10/3/2005 10:05:49 AM

Existing Zoning: A  
 Existing FLUC: CON  
 Acreage: 31.1  
 Watershed: ManateeZone  
 Overlays: ST  
 Special Areas: Greenway  
 Impact District: NE-F  
 CHH: NOKE  
 Fire District: Myakka City, Duette  
 AFHD: RURAL-F  
 Sec Twn Rng: Sec 30 Twn 34 Rng 22  
 Drain Basin: LAKE MANATEE, MYAKKA

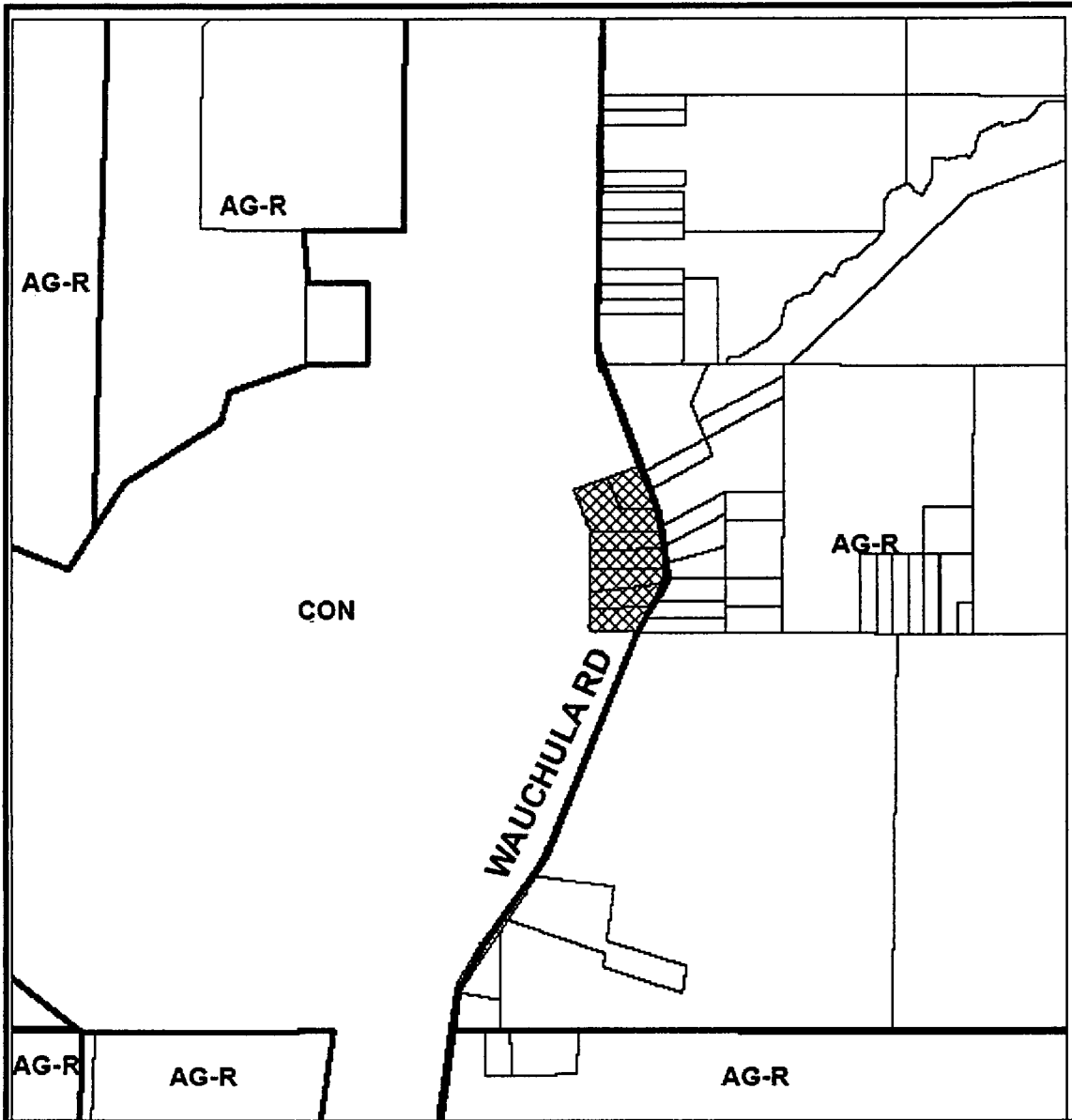
Manatee County  
 Future Land Use  
 Staff Report Map  
 1 inch equals 1,029 feet


**EXHIBIT "A"**  
**Wauchula Road Parcels**

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	AG/R	A	5.12	Hugh Fyfe	7800 Wauchula Road
2	CON	AG/R	A	5.42	Anthony Hitt	7720 Wauchula Road
3	CON	AG/R	A	5.42	Anthony Hitt	7730 Wauchula Road
4	CON	AG/R	A	5.05	Thomas Jackson	7810 Wauchula Road
5	CON	AG/R	A	5.27	Richard Kirby	7710 Wauchula Road
6	CON	AG/R	A	10.9	Milo Kuehn	7650 Wauchula Road
7	CON	AG/R	A	5.10	Richard Wildrick	7630 Wauchula Road
<b>TOTAL ACRES</b>				<b>42.28</b>		

EXHIBIT "A"

WAUCHULA ROAD PARCELS



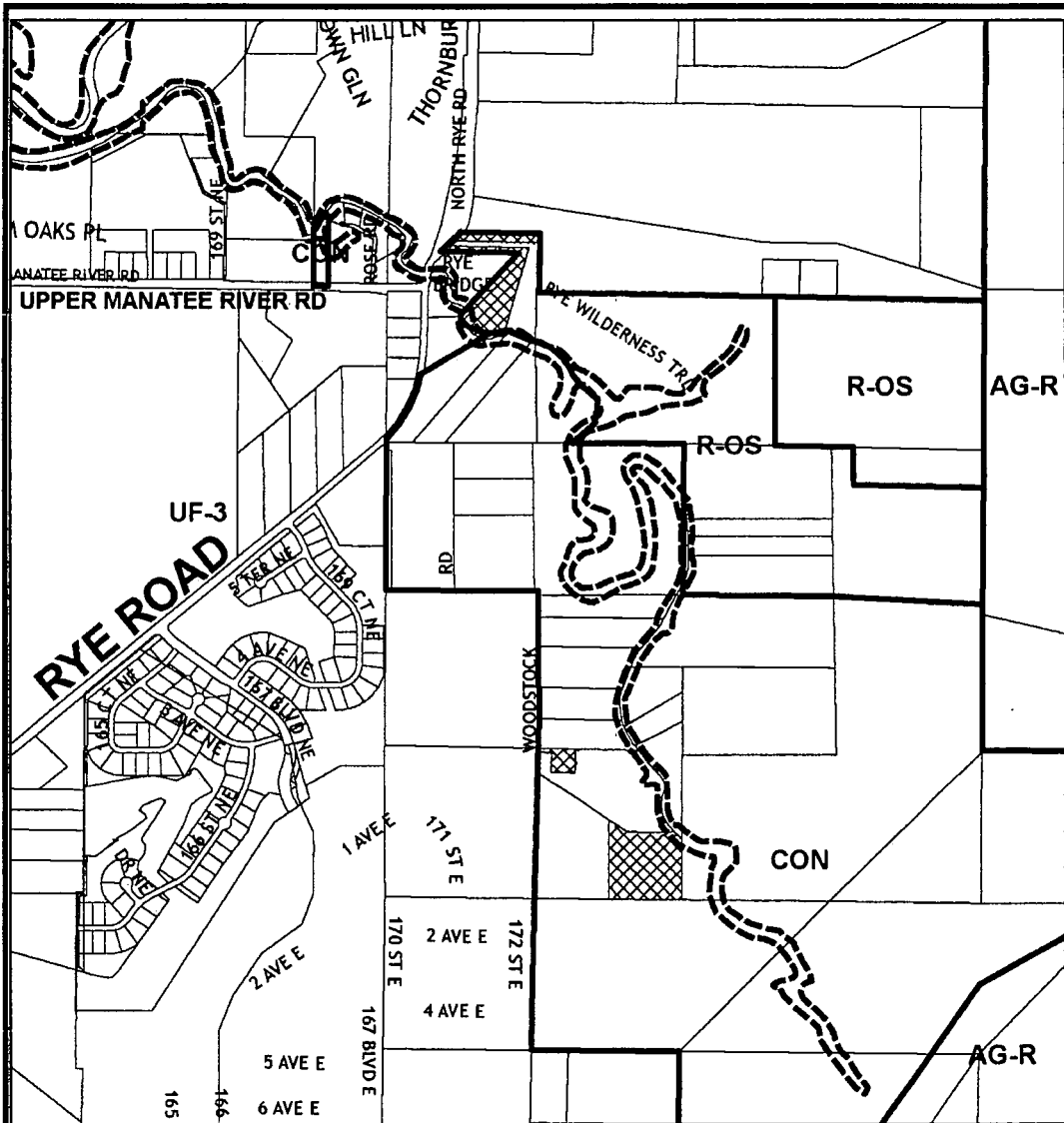
Tax ID #(s)	78300109,78300179,78300169,78300209,78300309,79010104,79011003	Existing Zoning:	A	 Manatee County Future Land Use Staff Report Map 1 inch equals 1,786 feet
Project Number:	PA-06-08 WAUCHULA ROAD	Existing FLUC:	CON	
Proposed Use:	N/A	Acreage:	42.28	
Proposed Zoning:	AG-R	Watershed:	NONE	
Requested by:	MANATEE COUNTY	Overlays:	NONE	
Flood Zone:	X5,AE,A,X	Special Areas:	NONE	
Floodway:	N	Impact District:	SE-F	
FIRM:	420_D	CHH:	NONE	
Evac Zone:	NCNE	Fire District:	Myakka City	
Commissioner:	Donna Hayes	AFHD:	RURAL-F	
Map Prepared:	10/3/2005 3:52:46 PM	Sec Twn Rng:	Sec 32,29 Twn 35 Rng 22	
		Drain Basin:	MYAKKA	

**Woodstock & North Rye Road Parcels**

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	UF-3	A	1.38	Wilderness Bend, LLC	724 Woodstock Road
2	CON	UF-3	A	1.00	X23	253 Woodstock Road
3	CON	UF-3	A	8.87	Rodney Potter	104 Woodstock Road
4	R/OS	UF-3	A	1.50	John Falkner	N. Rye Rd/22455 CR 675
5	CON	UF-3	A/CON/CH	5.25	Lester Williams	950 N. Rye Road
6	CON	UF-3	CON	0.17	Lester Williams	950 N. Rye Road
TOTAL ACRES				18.17		

EXHIBIT "A"

WOODSTOCK & NORTH RYE ROAD PARCELS



Tax ID #(s)	557110053, 557820008 (PART OF), 557910056, 558010104, 558010112, 558010153, 268401007 (PART OF)	
Project Number:	PA-08-06 WOODSTOCK-RYE ROAD	Existing Zoning: A-1, A, CON
Proposed Use:	N/A	Existing FLUC: CON, R/OS
Proposed FLU:	UF-3	Acreage: 18.17
Requested by:	MANATEE COUNTY	Watershed: NONE
		Overlays: NCO
Flood Zone:	X, X5, AE	Special Areas: Greenway
Floodway:	N, Y	Impact District: NE-E, SE-D, SE-F
FIRM:	240_C, 380_B	CHH: Y
Evac Zone:	N/A	Fire District: Parrish, East Manatee
Commissioner:	Amy Stein	AFHD: RURAL FRINGE-E, RURAL FRINGE-D, RURAL FRINGE-F, RURAL-F
Map Prepared:	10/3/2005 2:48:05 PM	Sec Twn Rng: Sec 13, 23, 24, 25 Twn 34 Rng 19
		Drain Basin: MANATEE RIVER W

Manatee County  
 Future Land Use  
 Staff Report Map  
 1 inch equals 1,194 feet

--- CHH Overlay  
 Boundary Line



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 21<sup>st</sup> day of August, 2006

R.B. SHORE  
 Clerk of Circuit Court  
 By: [Signature] D.C.

FILED FOR RECORD  
R. B. SHORE

2006 AUG 29 AM 10: 00

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

August 24, 2006

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 21, 2006 and certified copies of Manatee County Ordinance Nos. 06-05, 06-06, 06-11 and 06-12, which were filed in this office on August 23, 2006.

As requested, one set of the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/bpn

Enclosures

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