

ORDINANCE NO.06-12

FILED FOR RECORD
R. B. SHORE

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 RES-3 (RESIDENTIAL-3 DWELLING UNITS PER ACRE) TO R/OS (RECREATION/OPEN SPACE), RETAINING THE EXISTING CSVA (COASTAL STORM VULNERABILITY AREA OVERLAY), FOR LANDS LOCATED ON THE EAST SIDE OF 51ST STREET EAST, WEST OF THE BRADEN RIVER AND APPROXIMATELY 625 FEET SOUTH OF THE 45TH AVENUE EAST, BRADENTON, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (83± ACRES.)

2008 AUG 29 AM 10:01
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 is the current RES-3 (RESIDENTIAL-3 DWELLING UNITS PER ACRE) land use; 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 RES-3 (RESIDENTIAL-3 DWELLING UNITS PER ACRE) TO R/OS (RECREATION/OPEN SPACE) (83+/- 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 17th day of August, 2006.

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

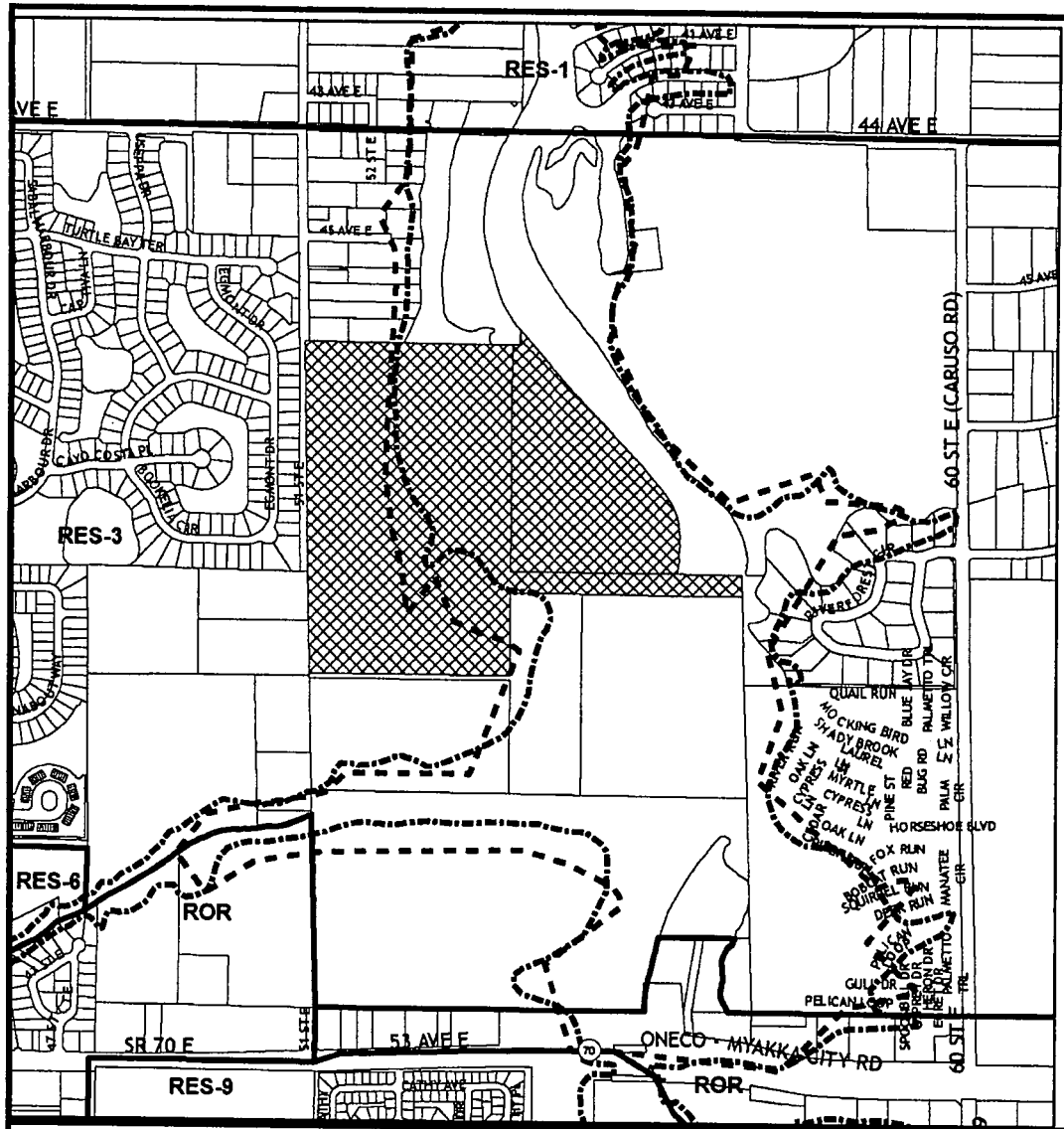
By: 
Chairman

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

By: 
Deputy Clerk



EXHIBIT A



Tax ID #(s) 1729600005, 1729900009
 Project Number: PA-08-12 ORD 06-12
 Proposed Use: N/A
 Proposed FLU: R/OS
 Requested by: MANATEE COUNTY
 Flood Zone: AE, X5, X
 Floodway: Y, N
 FIRM: 353_C
 Evac Zone: B
 Commissioner: Donna Hayes
 Map Prepared: 8/18/2008 2:08:58 PM

Existing Zoning: A-1
 Existing FLUC: RES-3
 Acreage: 82.94
 Watershed: NONE
 Overlays: NONE
 Special Areas: NONE
 Impact District: SE-C
 CHH: Y
 Fire District: East Manatee, Southern Manatee
 AFHD: SUBURBAN-C
 Sec Twn Rng: Sec 10, 9 Twn 35 Rng 18
 Drain Basin: LOWER BRADEN R, PEARCE DRAIN

Manatee County
 Future Land Use
 Staff Report Map
 1 inch equals 810 feet
 --- CHH Boundary Line
 CSVA Boundary Line
 N CEA
 Y CPA



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 21st day of August, 2008
 R.B. SHORE
 Clerk of Circuit Court
 By: G. C. Cordero 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