

ORDINANCE 06-14

FILED FOR RECORD
R. B. SHORE

2006 DEC 28 AM 10:07

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN AMENDMENT TO THE EXISTING PORT MANATEE MASTER PLAN IN CHAPTER 4, THE COASTAL ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FILED
2006 DEC 19 AM 9:43
TALLAHASSEE, FLORIDA

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 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 comprehensive plan text, 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 July 13, 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 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 December 5, 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 in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on December 12, 2006, 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

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 an inconsistency, in the adopted plan has been demonstrated by the applicant;

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;

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 the proposed text amendments to the existing Port Manatee Master Plan in Chapter 4, it has been determined that the existing maps and table, sought 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, shall be amended as follows:

Section 1.7, Land Area and Use, first and fifth paragraphs

In 1999, the Port Authority purchased two parcels of land. The first, approximately 18.8 acres, is located south of existing berth 12 and west of the Hendry Tract (South Port). The other, approximately 15.6 acres (known as the Piney Point Tract), is located to the northwest of the previous Port boundary and contains the Piney Point Road boat ramp. In 2005, the Port Authority purchased a parcel of land, approximately two acres, located on the north side of Piney Point Road, west of the intersection with Reeder Road. These purchases This increased total Port land to approximately ~~4,098~~ 1,100 acres. The Port also leases an additional 62 acres (a spoil island) from the State of Florida. The Port and its tenants are currently using approximately half of the property. The balance is available for use. Currently the Port land is divided into seven areas (zones) as depicted in Figure 3.

Zone E is the location of the creation of the proposed north basin. As that basin is developed, the use of this zone will be similar to that of Zone A. That area will serve the primary functions associated with ocean shipping and requires maximum

flexibility for uses. The Sipe parcel is part of Zone E. Unique natural habitat that may be found in westernmost 200 feet of the zone should be protected or, when removal is required for the implementation of the Port Master Plan, the loss of such habitat should be mitigated through an approved mitigation plan.

Policy 2.1.3.1 Acquire additional shoreline and upland areas consistent with the Comprehensive Plan for future Port expansion, to provided improved infrastructure, access to the Port, dredged material disposal, and to protect environmentally sensitive areas, subject to financial feasibility.

Policy 2.1.3.5 Initiate the permitting process for the completion of Berth 12 and the south channel adjacent to Berth 12 dredging ~~by the year 2004.~~

Policy 2.2.1.6 add a new policy as follows:

Policy 2.2.1.6 Port staff shall submit a complete environmental assessment of the Sipe Parcel added with this Plan Amendment by December 31, 2006.

Section 3.4.1

3.4.1 Other Facility Needs

Office space and additional dry and cold storage warehouses are needed currently on or near the waterfront for cargo movement and it is anticipated an additional cruise terminal, cranes and/or cargo handling equipment, truck queuing improvements including rerouting of Piney Point Road, and additional rail trackage will be needed within 5 years, if not sooner.

3.6.1 Clean up the language in paragraph 3 as follows:

Port Manatee was ~~just recently~~ issued a permit for Port Manatee Navigation and Bulkhead Improvements by the Florida Department of Environmental Protection on December 10, 1999. The location of the turning basin was changed during the permit application process to avoid and/or reduce impacts to seagrass beds.

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: 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), Florida Statutes, or whichever occurs first.

PASSED AND DULY ADOPTED, with a quorum present and voting this 12th day of December, 2006.

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

By: Joe McClash
Chairman

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

By: Rosa Komine
Deputy Clerk



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 14th day of December, 2006
R.B. SHORE
Clerk of Circuit Court
By: R. Caceredo D.C.



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE

2006 DEC 28 AM 9: 58

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA
SUE M. COBB
Secretary of State

JEB BUSH
Governor

December 19, 2006

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

Attn: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 14, 2006, and certified copies of Manatee County Ordinance Nos. PDR-04-33(P)(R), 06-14, and 06-15, which were filed in this office on December 19, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/cga
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX:
850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX:
850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282