

2006 DEC 28 AM 10: 07

ORDINANCE NO. 06-15

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, (THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN) PROVIDING FOR THE APPROVAL OF A LARGE SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FROM RES-1 & RES-1/CSVA (RESIDENTIAL/1 DWELLING UNIT PER ACRE, RESIDENTIAL/1 DWELLING UNIT PER ACRE/COASTAL STORM VULNERABILITY AREA) TO AG/R & AG/R/CSVA (AGRICULTURE/RURAL, AGRICULTURE/RURAL/COASTAL STORM VULNERABILITY AREA) FOR COUNTY OWNED PROPERTY LOCATED AT 1401 99TH ST. N.W. AND ASSOCIATED PARCELS (20.8 +/- ACRES) AND FROM UF-3/CEA & UF-3/CEA/CSVA (URBAN FRINGE - 3 DWELLING UNITS PER ACRE/COASTAL EVACUATION AREA, URBAN FRINGE - 3 DWELLING UNITS PER ACRE/COASTAL EVACUATION AREA/COASTAL STORM VULNERABILITY AREA) TO R/OS/CEA & R/OS/CEA/CSVA (MAJOR RECREATION/OPEN SPACE/COASTAL EVACUATION AREA, MAJOR RECREATION/OPEN SPACE/COASTAL EVACUATION AREA/COASTAL STORM VULNERABILITY AREA) FOR COUNTY OWNED PROPERTY LOCATED APPROXIMATELY 2,350 FT. +/- SOUTH OF MULHOLLAND RD., 1,600 FT. +/- EAST OF FT. HAMER RD. AND NORTH OF THE MANATEE RIVER (107.9 +/- ACRES), AS ASSIGNED; AND RETAINING ALL OVERLAYS AS APPROPRIATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (128.7 +/- ACRES)-

FILED

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, titled the Local Government Comprehensive Planning and Land Development Regulation Act, (the "Act") empowers and requires the 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 provided 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 July 13th, 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 September, 26, 2006, to consider the transmittal of the proposed amendment to the Florida Department of Community Affairs in accordance with the Act; 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 to address 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 Manatee County, Florida held another public hearing, 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 a change in circumstances 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 those authorized pursuant to the current classification RES-1, RES-1/CSVA (Residential/1 dwelling unit per acre, Residential/1 dwelling unit per acre/Coastal Storm Vulnerability Area) and UF-3/CEA, UF-3/CEA/CSVA (Urban Fringe – 3 dwelling units per acre/Coastal Evacuation Area, Urban Fringe – 3 dwelling units per acre/Coastal Evacuation Area/Coastal Storm Vulnerability Area); 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; and

WHEREAS, this Plan Amendment has been adopted pursuant to the alternative process for amendment of an adopted Comprehensive Plan as provided in Section 163.3189, Florida Statutes.

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 Sections 163.3161 through 163.3215, Florida Statutes, 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-1, RES-1/CSVA (Residential/1 dwelling unit per acre, Residential/1 dwelling unit per acre/Coastal Storm Vulnerability Area) to AG/R , AG/R/CSVA (Agriculture/Rural , Agriculture/Rural/Coastal Storm Vulnerability Area) and from UF-3/CEA, UF-3/CEA/CSVA (Urban Fringe – 3 dwelling units per acre/Coastal Evacuation Area, Urban Fringe – 3 dwelling units per acre/Coastal Evacuation Area/Coastal Storm Vulnerability Area) to R/OS/CEA, R/OS/CEA/CSVA (Major Recreation/Open Space/Coastal Evacuation Area, Major Recreation/Open Space/Coastal Evacuation Area/Coastal Storm Vulnerability Area). 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 deemed 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), Florida Statutes, whichever occurs first.

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

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

By: 
Chairman

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

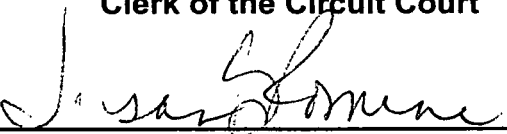
By: 
Deputy Clerk



EXHIBIT "A"

Legal Description:

Geraldson Farms:

Com At The Sw Cor Of Sec 24, Twn 34s, Rng 16e; Th N 01 Deg 14 Min 08 Sec E, Alg The W Ln Of Sd Sec 24, A Dist Of 968.83 Ft; Th S 89 Deg 22 Min 05 Sec E, A Dist Of 33.00 Ft To An Int With The E Maintained R/W Ln Of 99th St Nw & The Pob; Th N 01 Deg 14 Min 08 Sec E, Alg Sd E Maintained R/W Ln, A Dist Of 1014.08 Ft To An Int With The N Ln Of The Sw 1/4 Of The Nw 1/4 Of The Sw 1/4 Of Sd Sec 24; Th S 89 Deg 22 Min 05 Sec E, Alg Sd N Ln, A Dist Of 627.46 Ft To The Ne Cor Of Sd Sw 1/4 Of The Nw 1/4 Of The Sw 1/4; Th S 01 Deg 15 Min 00 Sec W, A Dist Of 662.77 Ft To The Se Cor Of Sd Sw 1/4 Of The Nw 1/4 Of The Sw 1/4; Th S 01 Deg 14 Min 09 Sec W, Alg The E Ln Of The W 1/2 Of The Sw 1/4 Of The Sw 1/4 Of Sd Sec 24, A Dist Of 1039.73 Ft To The Ne Cor Of Lot 1 Of Geraldson Sub As Per Plat Thereof Rec In Plat Bk 21, P 66 Of The Prmcf; Th N 88 Deg 48 Min 20 Sec W, Alg The N Ln Of Sd Lot 1 & The Wly Extension Thereof, A Dist Of 347.21 Ft To An Int With The E Ln Of Lot 3 Of Sd Geraldson Sub; Th N 01 Deg 15 Min 17 Sec E, A Dist Of 376.36 Ft To The Ne Cor Of Lot 5 Of Sd Geraldson Sub; Th N 88 Deg 58 Min 40 Sec W, Alg The N Ln Of Sd Lot 5, A Dist Of 82.82 Ft To The Sw Cor Of A Parcel Of Land Rec In Or Bk 2003 P 4782 Of Sd Public Records; Th N 00 Deg 15 Min 17 Sec E, Alg The E Ln Of Sd Parcel & Its Nly Extension, A Dist Of 308.10 Ft To The Ne Cor Of A Parcel Of Land Rec In Or Bk 2003 P 4784 Of Sd Public Records; Th N 89 Deg 22 Min 05 Sec W, Alg The N Ln Of Sd Parcel, A Dist Of 192.09 Ft To The Pob, Lying & Being In Sec 24, Twn 34s, Rng 16e. (2051/7300) Pl#73173.0055/9.

Containing 20.8 acres more or less

Hidden Harbour:

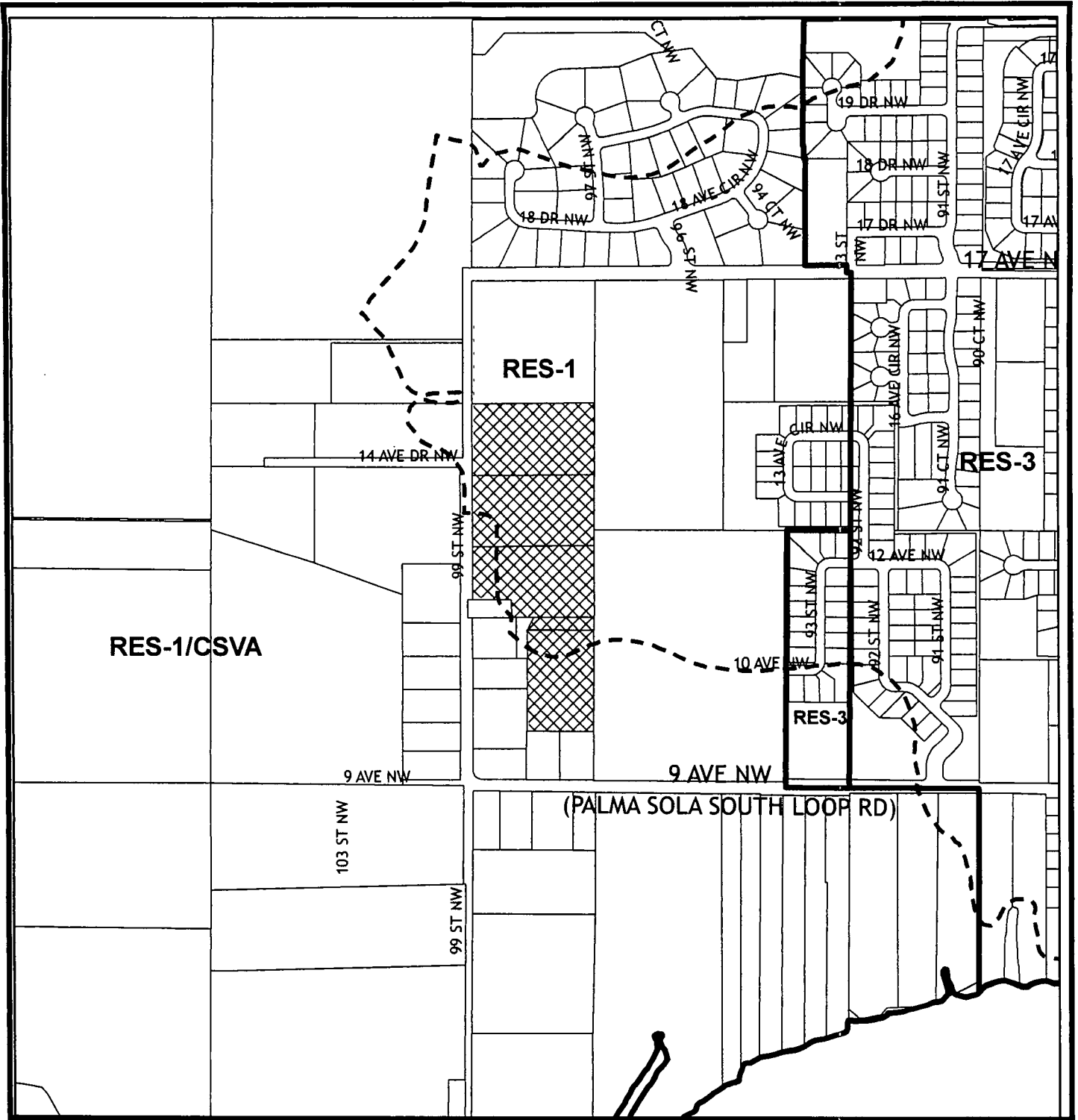
That portion of sections 8, 16, 17 Township 34 South, Range 19 East, Manatee County, Florida being further described as follows:

Commence at the Northeast corner of the Southwest ¼ of said section 8; thence S.00 02' 12" W., 1292.08 feet along the East line of the Southwest ¼ of said section 8; thence leaving said line, S. 89 28' 10" E., 378.33 feet; thence S 00. 02' 12" W., 712.09 feet; thence N. 89 28' 10" W., 378.35 feet to the aforesaid east line of the southwest ¼ of section 8; thence along said line, S. 00 02' 12" W., 333.64 feet to the point of beginning; thence leaving along said line, S. 89 23' 55" E., 1435.16 feet; thence S 52 32' 52" E., 425.08 feet; thence N. 39 29' 12" E., 87.54 feet; thence S. 51 18' 46" E., 491.85 feet; thence S. 00 33' 35" E., 35.40 feet; thence S. 77 20' 30" E., 124.39 feet; thence S. 52 58' 27" E., 351.24 feet; thence east, 255.60 feet to the approximate mean high water line of Gamble Creek as approved by the Department of Environmental Protection on January 9, 2002, file number 2802 and point "A"; thence in the Southwesterly direction along said mean high water line and witnessed by the following 7 meander lines as follows: S. 71 50' 47" W., 445.81 feet; thence S. 34 58' 40" W., 1117.23

feet; thence S. 04 24' 57" E., 340.80 feet; thence S. 38 17' 37" E., 1019.17 feet; thence N. 75 58' 31" W., 1063.56 feet; thence N. 63 27' 17" W., 1372.21 feet; thence S 55 57' 15" W., 155.02 feet to point "B" said point lying S 63 13' 35" W., 3129.66 feet from point "A"; thence leaving said mean high water line, N. 00 26' 34" W., 405.28 feet; thence S 63 47' 37" E., 1207.75 feet; thence S 89 44' 01" E., 263.27 feet; thence N 00 46' 53" E., 1840.07 feet; thence N 89 53' 12" W., 432.39 feet; thence N 42 06' 48" W., 381.40 feet; thence N. 74 58' 31" W., 783.17 feet to the point of beginning.

Together with non-contiguous upland islands adjacent to said lands lying between said lands and the thread of the Manatee River and lying east of a line bearing S. 00 26' 34" E. from point "B", said upland islands as surveyed by D.C. Johnson & Associates dated 1/22/03.

Containing 107.9 acres more or less



Tax ID #(s) 7317300559

Project Number: PA-06-15
 Proposed Use: N/A
 Proposed Zoning: N/A
 Requested by: MANATEE COUNTY

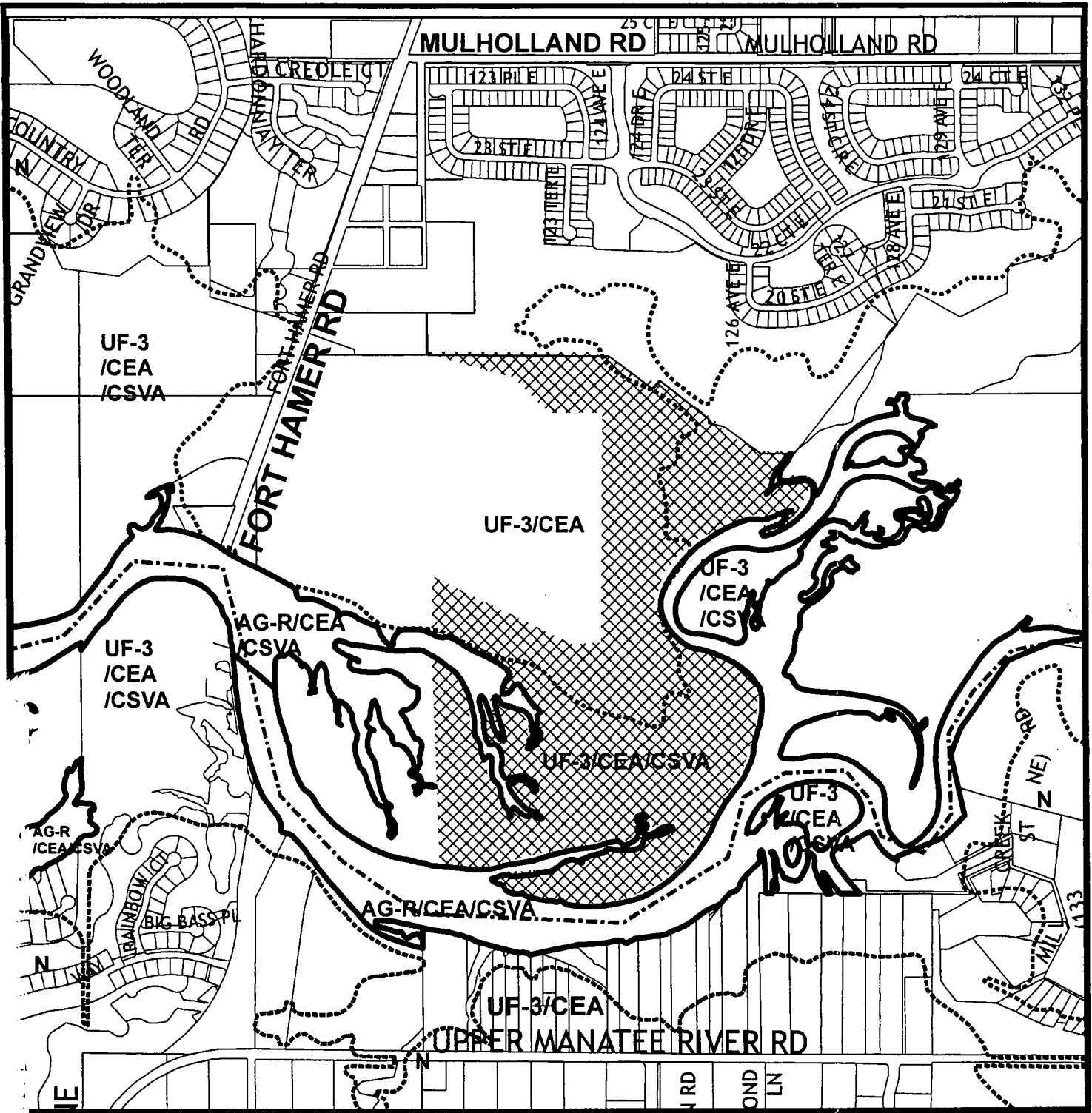
Flood Zone: AE
 Floodway: N
 FIRM: 168_B
 Evac Zone: B
 Commissioner: Jane von Hahmann
 Map Prepared: 7/4/2006 4:42:16 PM

Existing Zoning: A-1, A-1/CH
 Existing FLUC: RES-1, RES-1/CSVA
 Proposed FLUC: AG-R, AG-R/CSVA
 Acreage: 20.84
 Watershed: NONE
 Overlays: NONE
 Special Areas: Greenway
 Impact District: SW-A
 CHH: Y
 Fire District: West Manatee
 AFHD: URBAN-A
 Sec Twn Rng: Sec 24 Twn 34 Rng 16
 Drain Basin: SARASOTA BAY

Manatee County
 Future Land Use
 Staff Report Map
 1 inch equals 695 feet

--- CHH Overlay
 Boundary Line

EXHIBIT A



Tax ID #(s) 505410309

Project Number: PA-06-15

Proposed Use: N/A

Proposed Zoning: N/A

Requested by: MANATEE COUNTY

Flood Zone: AE

Floodway: Y

FIRM: 220_C

Evac Zone: A

Commissioner: Amy Stein

Map Prepared: 4/5/2006 9:09:22 AM

Existing Zoning: PD-R/NCO, PD-R/NCO/CH

Existing FLUC: UF-3/CEA, UF-3/CEA/CSVA

Proposed FLUC: R/OS/CEA, R/OS/CEA/CSVA

Acreage: 107.9

Watershed: NONE

Overlays: NCO

Special Areas: Greenway

Impact District: NE-E

CHH: NONE

Fire District: Parrish

AFHD: SUBURBAN-E

Sec Twn Rng: Sec 8 Twn 34 Rng 19

Drain Basin: GAMBLE CREEK, MIDDLE MANATEE R

Manatee County
Future Land Use
Staff Report Map
1 inch equals 1,048 feet

--- CHH Overlay
Boundary Line

--- NCO Overlay
Boundary Line

EXHIBIT A



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: [Signature] 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 CO. FLORIDA
SUE MACCOBB
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

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