

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-07

2008 DEC 23 AM 10:43

AN ORDINANCE 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; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP FROM UF-3 (URBAN FRINGE 3 DWELLING UNITS/GROSS ACRE) TO MU (Mixed Use) FUTURE LAND USE CLASSIFICATION, FOR CERTAIN LANDS LOCATED AT 12425 US 301 N, 12701 US 301 N, and 13901 US 301 N; CONSISTING OF 731.59± ACRES; RETAINING THE P/SP(1) DESIGNATION, APPROXIMATELY 7.58+/- ACRES; AND PROVIDING FOR AN ASSOCIATED AMENDMENT TO THE GENERAL INTRODUCTION - SPECIAL PLAN INTERPRETATION PROVISIONS OF THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FILED
2009 DEC 15 PM 1:05
CLERK OF THE CIRCUIT COURT
MANATEE CO. 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, (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 the 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 established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-08-05, initiated by the applicant, is a request for a map amendment to the Future Land Use Map Series and a text amendment to Section D - Special Plan Interpretation Provisions of the General Introduction Chapter of the Manatee County Comprehensive Plan, consistent with Chapter 163, Part II, Florida Statutes; 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, to adopt the amendments to the Future Land Use Map Series and a text amendment to the General Introduction Chapter of the of the Comprehensive Plan, as provided herein, 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 February 14, 2008, 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 25, 2008 and August 7, 2008 to consider the transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the State Land Planning Agency by letter dated October 17, 2008, transmitted their Objections, Recommendations and Comments Report on the amendment to the Comprehensive Plan; and

WHEREAS, the 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 4, 2008, the Board of County Commissioners of Manatee County, Florida held another public hearing, with due public notice having been provided, to consider adoption of the proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during the 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 amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163, Part II, Florida Statutes; and

WHEREAS, in exercise of that authority, the Board of County Commissioners of Manatee County has determined that it is necessary and desirable to adopt this Ordinance to effect the 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 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 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 the proposed map amendment to the Future Land Use Element and the text amendment to the General Introduction Chapter of the Manatee County Comprehensive Plan, it has been determined that the existing map and text, 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, is hereby amended to adopt the revisions to the General Introduction Chapter:

"Section D – Special Plan Interpretation Provisions" to add a new Subsection D.5 – Specific Property – Development Conditions applicable to the property described in Exhibit A attached hereto and made a part hereof by reference. The text amendment as set forth below has additions indicated by underlining and deletions by strikeout.

D.5. SPECIFIC PROPERTY– DEVELOPMENT CONDITIONS

1. The 740± acre property which includes:
 - (a) 732± acres which have been designated Mixed Use (MU) on the Future Land Use Map pursuant to Manatee County Ordinance No. 08-07 and Comprehensive Plan Amendment No. PA-08-05, and
 - (b) 8± acres located between U.S. 301 and the Seaboard Airline Railroad Right of Way which have been designated Public/Semi-Public (P/SP-1) on the Future Land Use Map; shall be subject to the following:
 - i. Trip Limitations. The project shall be limited to any combination of permitted uses which collectively generate cumulative transportation impacts on the Major Thoroughfare System no greater than those generated by a project comprised of 3,200 residential dwelling units (of varied types), 900,000 square feet of commercial retail uses, 375,000 square feet of office uses and 300,000 square feet of light industrial and warehouse uses.
 - ii. Land Use Requirements.
 1. The light industrial and warehouse uses component of the project shall not be less than 300,000 square feet.
 2. The residential use component of the project shall be limited to 2,300 residential dwelling units until 25% of the non-residential use component has commenced.
 3. The residential use component of the project shall not exceed 3,200 residential dwelling units.
 - iii. Five-Year Trip Cap. The foregoing subparagraphs (1) and (2) notwithstanding, until December 31, 2013, said property shall be further limited to any combination of permitted uses which collectively generate cumulative transportation impacts on the Major Thoroughfare System no greater than those generated by a project comprised of the

maximum development identified by the Urban Fringe-3 (UF-3) Future Land Use Map category (the previous Future Land Use Map category for the property) (a total of 1,731 p.m. peak hour trips).

iv. Land Use Form.

1. The project shall consist of mixed use and neo-traditional development as such terms are defined in this Comprehensive Plan.
2. Phasing and mixing of land uses to achieve the above shall be addressed with project approval.

Section 4. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, Future Land Use Map of the Future Land Use Element is hereby amended to change the Future Land Use Classification of the property described in Exhibit A from UF-3 (Urban Fringe – 3 dwelling units/gross acre) to the MU (Mixed Use) Future Land Use Classification. .

Section 5. 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 6. 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 if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing in accordance with Section 163.3184(10), Florida Statutes, or whichever occurs first.

PASSED AND DULY ADOPTED, in open session, with a quorum present and

voting this 4th day of December, 2008.

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

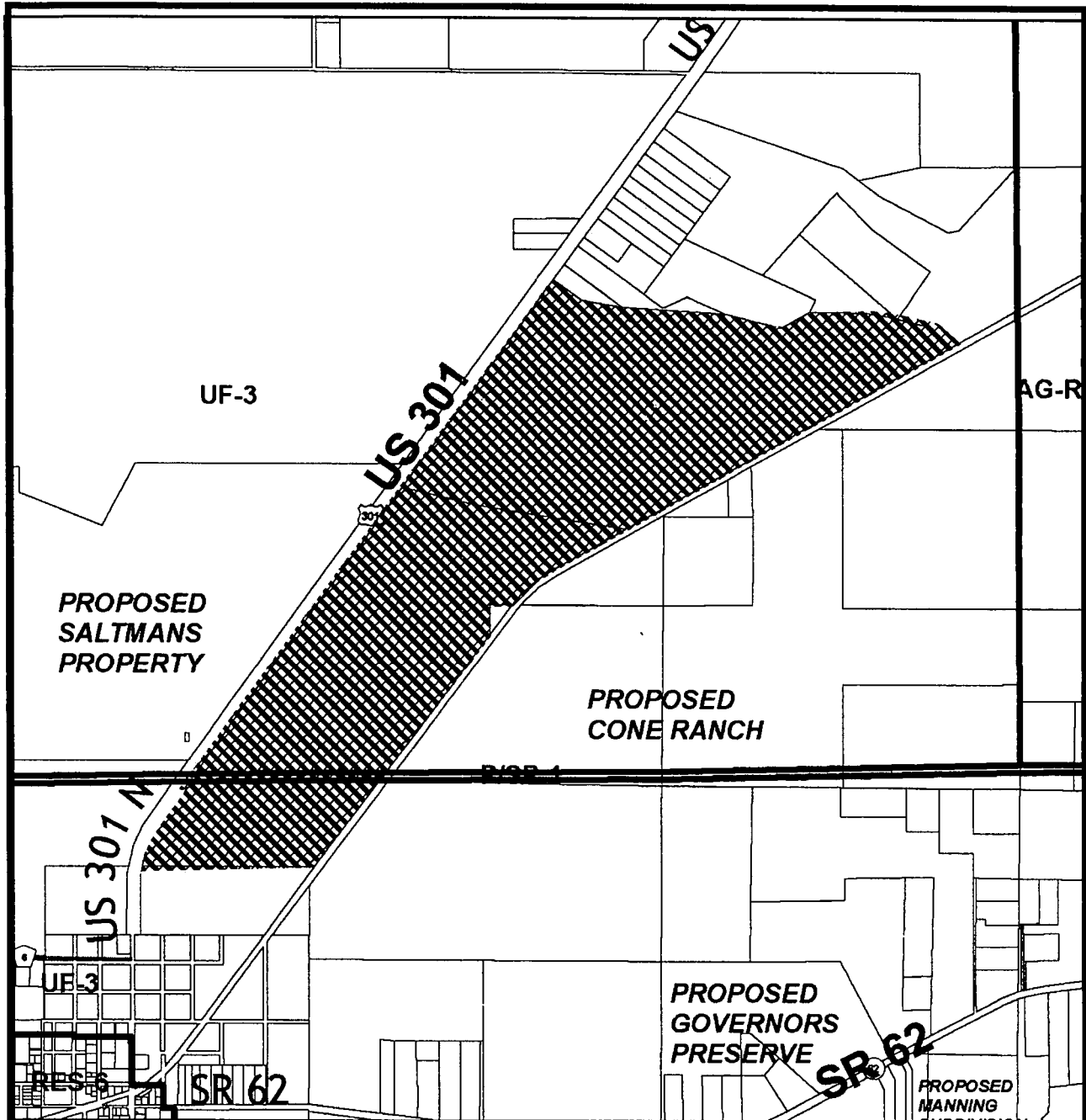
By: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

By: *Susan Komer*
Deputy Clerk



Exhibit "A"



Tax ID #(s) 3959-0409,399510009

Project Number: PA-08-05 ORD.-08-07
 Proposed Use: MIXED USE FOR TOWN CENTER
 Proposed FLUC: P/SP-1, MU
 Requested by: PARRISH CENTRE

Flood Zone: A,X
 Floodway: N
 FIRM: 210_C
 Evac Zone: NONE
 Commissioner: Amy Stein
 Map Prepared: 8/24/2007 4:06:03 PM

Existing Zoning: ANCO
 Existing FLUC: P/SP-1, UF-3
 Acreage: 739.17
 Watershed: NONE
 Overlays: NCO
 Special Areas: Greenway
 Impact District: NE-E
 CHH: NONE
 Fire District: Parrish
 AFHD: RURAL FRINGE-E
 Sec Twn Rng: Sec 9,10,15,16,17,20,21 Twn 33 Rng 19
 Drain Basin: LITTLE MANATEE R,FROG CREEK,GAMBLE CREEK

Manatee County
 Future Land Use
 Staff Report Map
 1 Inch equals 2,013 feet

Exhibit A

GORDON PARCEL

PID# 399510009

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 33 SOUTH, RANGE 19 EAST, RUN S 89°00'51" E ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 1,013.11 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: S 89°00'51"E, A DISTANCE OF 61.92 FEET; THENCE S 37°08'17" W, A DISTANCE OF 1,662.47 FEET; THENCE N 89°46'33" W, A DISTANCE OF 2,582.44 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. 301; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 80°22'38" E, A DISTANCE OF 1,777.86 FEET AND HAVING AN ARC DISTANCE OF 821.61 FEET THROUGH A CENTRAL ANGLE OF 26°28'42" TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 36°06'04" E, A DISTANCE OF 6,398.56 FEET; THENCE EASTERLY ALONG THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF DICKEY ROAD THE FOLLOWING TWO COURSES: S 76°12'27" E, A DISTANCE OF 1,138.11 FEET; THENCE S 81°12'36" E, A DISTANCE OF 2,378.54 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED SEABOARD AIRLINE RAILROAD; THENCE S 60°40'12" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,520.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES S 29°19'48"E, A DISTANCE OF 2,400.57 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 794.62 FEET THROUGH A CENTRAL ANGLE OF 18°57'56"; THENCE N 89°48'16" W, A DISTANCE OF 336.98 FEET; THENCE S 00°26'57" W, A DISTANCE OF 438.03 FEET; THENCE S 37°08'17" W, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD AIRLINE RAILROAD, A DISTANCE OF 2,874.57 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 16, 17, 20 AND 21, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 380.55 ACRES.

Exhibit A

JONES PARCEL

PID# 395910409

A PARCEL OF LAND LYING AND BEING IN SECTIONS 9, 10, 15 AND 16, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE N 89°55'25" E, ALONG THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 1,991.19 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD FOR A POINT OF BEGINNING, SAID RAILROAD RIGHT-OF-WAY BEING 200.00 FEET WIDE AT SAID POINT; THENCE S 60°40'12" W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2,599.29 FEET TO THE POINT OF INTERSECTION OF SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND THE NORTHERLY MAINTAINED RIGHT-OF-WAY LINE OF DICKEY ROAD; THENCE N 81°11'19"W, ALONG SAID NORTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 2,434.13 FEET; THENCE N 76°10'31" W, ALONG SAID NORTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 1,115.23 FEET TO THE POINT OF INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE AND THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 43 (U.S. 301) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP; THENCE N 36°06'04"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 3,555.00 FEET; THENCE EASTERLY, ALONG THE SOUTHERLY LINE OF THOSE CERTAIN PARCELS OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1741, PAGE 1717, OFFICIAL RECORD BOOK 1664, PAGE 1098, OFFICIAL RECORD BOOK 1629, PAGE 6229 AND OFFICIAL RECORD BOOK 1769, PAGE 2201 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, THE FOLLOWING ELEVEN COURSES AND DISTANCES: S 53°53'56" E, 526.72 FEET; S 80°32'57" E, 613.10 FEET; S 53°53'56" E, 2.32 FEET; S 86°14'52" E, 1,539.92 FEET; S 76°19'42" E, 871.42 FEET; N 61°12'18" E, 485.78 FEET; N 89°44'45" E, 494.36 FEET; S 89°30'07" E, 418.53 FEET; S 83°44'30" E, 346.06 FEET; S 79°14'03" E, 612.38 FEET; S 48°11'29" E, 470.74 FEET TO A POINT ON THE AFOREMENTIONED NORTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD, A 100 FOOT WIDE RIGHT-OF-WAY AT THIS POINT; THENCE S 60°40'12" W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2,625.01 FEET TO A POINT ON THE AFOREMENTIONED SOUTH LINE OF SECTION 10; THENCE S 89°55'25" W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND SAID SOUTH LINE OF SECTION 10, A DISTANCE OF 102.32 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 9, 10, 15 AND 16, TOWNSHIP 33
SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 358.62 ACRES MORE OR LESS



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 10th day of

December, 2008

R.B. SHORE
Clerk of Circuit Court

By Weki Foster C.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:43

CLERK OF CIRCUIT COURT
KURT S. BROWNING
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-07, 08-50, Z-84-76(R7), Z-84-76(R8), Z-08-09, PDMU-06-53(Z) (P), PDPI-06-46(Z) (G), PDR-04-18(Z) (P) and PDR-06-38(Z) (P), which were filed in this office on December 15, 2008.

As requested, one date stamped copy is being returned for your records.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE
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ADMINISTRATIVE CODE AND WEEKLY
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From: ords@municode.com

Sent: Thursday, January 15, 2009 9:21 AM

To: Vicki Tessmer

Subject: Acknowledgment of material received

This is a computer generated email, please do not reply to this message.



Manatee County, FL Code of Ordinances - 1981(10428)

Supplement 75

Recorded: **1/8/2009 10:54:41 AM**

We have received the following material through **Hard Copy/Electronic**.

Document	Adoption
Ordinance No. 08-07	12/4/2008
Ordinance No. 08-27	12/4/2008
Ordinance No. 08-30	12/4/2008
Ordinance No. 08-50	12/4/2008
Ordinance No. 08-51	12/4/2008
Ordinance No. 08-52	12/4/2008
Ordinance No. 08-60	12/4/2008
Ordinance No. 08-69	12/4/2008
Ordinance No. 08-81	12/4/2008
Ordinance No. 08-82	12/16/2008

[Click here](#) to see the full list of recorded ordinances for the next supplement.

Or point your browsers at: <http://www.municode.com/disposition/dislist.asp?jobid=103644>

If you are sending the ordinances in electronic form and printed form, we assume the electronic version of the ordinances reflects the ordinances as adopted. We do not proofread against the printed version of the ordinance if the printed copy is submitted. Please contact us if you have questions.

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