

FILED FOR RECORD
R. B. SHORE

ORDINANCE 08-09

2008 AUG -8 AM 10: 18

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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 TRAFFIC CIRCULATION SUB-ELEMENT, PROVIDING FOR AN UPDATE OF THE TRAFFIC CIRCULATION MAP SERIES: (MAP 5-A, EXISTING ROADWAYS FUNCTIONAL CLASSIFICATION; MAP 5-B, FUTURE TRAFFIC CIRCULATION FUNCTIONAL CLASSIFICATION, MAP 5-C, FUTURE TRAFFIC CIRCULATION RIGHT-OF-WAY PROTECTION AND RESERVATION AND MAP 5-D, FUTURE TRAFFIC CIRCULATION NUMBER OF LANES); AND TABLE 5-1; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPT. OF STATE
TALLAHASSEE, FLORIDA

2009 AUG -4 AM 9:45

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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 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 established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-08-08 initiated by Manatee County is a request to amend the Traffic Circulation Sub-element and to update the Traffic Circulation Map Series in accordance with Sec. 163.3177(6)b, 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 amend the Traffic Circulation Sub-element (both the text and Traffic Circulation Map Series) of the comprehensive plan, as provided, in Application PA-08-08, 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 to consider the amendment and 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 June 16, 2008, transmitted their Objections, Recommendations and Comments Report 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 July 29, 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 said proposed amendment to 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 amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Chapter 163, Part II, Florida Statutes; 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, 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 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 the proposed text amendments to the Traffic Circulation Map Series of the Comprehensive Plan and Table 5-1, 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:

- A. Table 5-1 of the Traffic Circulation Sub-Element: Peak Hour Level of Service Standards; Right-of-Way Needs; Twenty Year Roadway Requirements; is hereby amended to read in its entirety as shown in Exhibit A, including the Addendum list of Thoroughfares that shall not have an entitlement for commercial node designation, attached hereto and hereby incorporated by reference.
- B. Future Traffic Circulation Map 5-A: Functional Classification Map is hereby amended to read in its entirety as shown in Exhibit B; attached hereto and hereby incorporated by reference.
- C. Future Traffic Circulation Map 5-B: Functional Classification Map is hereby amended to read in its entirety as shown in Exhibit C; attached hereto and hereby incorporated by reference.
- D. Future Traffic Circulation Map 5-C: Right-of-Way Needs Map is hereby amended to read in its entirety as shown in Exhibit D; attached hereto and hereby incorporated by reference.

- E. Future Traffic Circulation Map 5-D: Number of Lanes is hereby amended to read in its entirety, as shown in Exhibit E; attached hereto and hereby incorporated by reference.

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 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 29th day of July, 2008

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

BY: *Jane von Hahmann*
Jane von Hahmann
Chairman



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

By: *R. B. Shore*
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 30th day of July, 2008.

R.B. SHORE
 Clerk of Circuit Court
 By: *Diane E. Vollmer* S.C.



FILED FOR RECORD
R. B. SHORE

2008 AUG -8 AM 10:18

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Governor

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

August 4, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 30, 2008 and certified copy of Manatee County Ordinance Nos. 08-03, 08-04, 08-06, 08-09, 08-10, 08-11 and 08-36, which were filed in this office on August 4, 2008.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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