

ORDINANCE NO. 08-27

2008 DEC 23 AM 10:42

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 OF THE MANATEE COUNTY COMPREHENSIVE PLAN FROM RES-1 / WO (RESIDENTIAL 1 DWELLING UNITS/GROSS ACRE / EVERS WATERSHED OVERLAY) TO ROR / WO (RETAIL-OFFICE-RESIDENTIAL 9 DWELLING UNITS/GROSS ACRE / EVERS WATERSHED OVERLAY) FOR LAND LOCATED NORTHWEST OF THE INTERSECTION OF STATE ROUTE 70 AND LORRAINE ROAD; CONSISTING OF 27.7 ± ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CLERK OF COUNTY 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 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, Application PA-08-12 initiated by the Applicant is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element 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 Application PA 08-12 to amend the Comprehensive Plan in order to more adequately address Manatee County's future development and growth; and

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2008 DEC 23 PM 5:15
CLERK OF COUNTY COURT
MANATEE CO. FLORIDA

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 24, 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 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 Sec. 163.3184, F.S.; and

WHEREAS, the Objections, Recommendations, and Comments Report of the State Land Planning Agency contains no objections to said amendment; 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 said 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, if any; 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 this 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 map amendment to the Future Land Use Element, it has been determined that the existing Future Land Use Map designation for the property subject to the amendment is no longer in the public interest 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 / WO (Residential 1 dwelling unit gross acre/Evers Watershed Overlay) to ROR / WO (Retail Office Residential 9 dwelling units/gross acre/Evers Watershed Overlay). 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 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, 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: *R. B. Shore*
Deputy Clerk

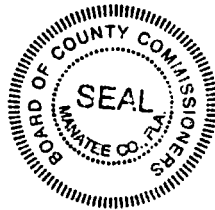
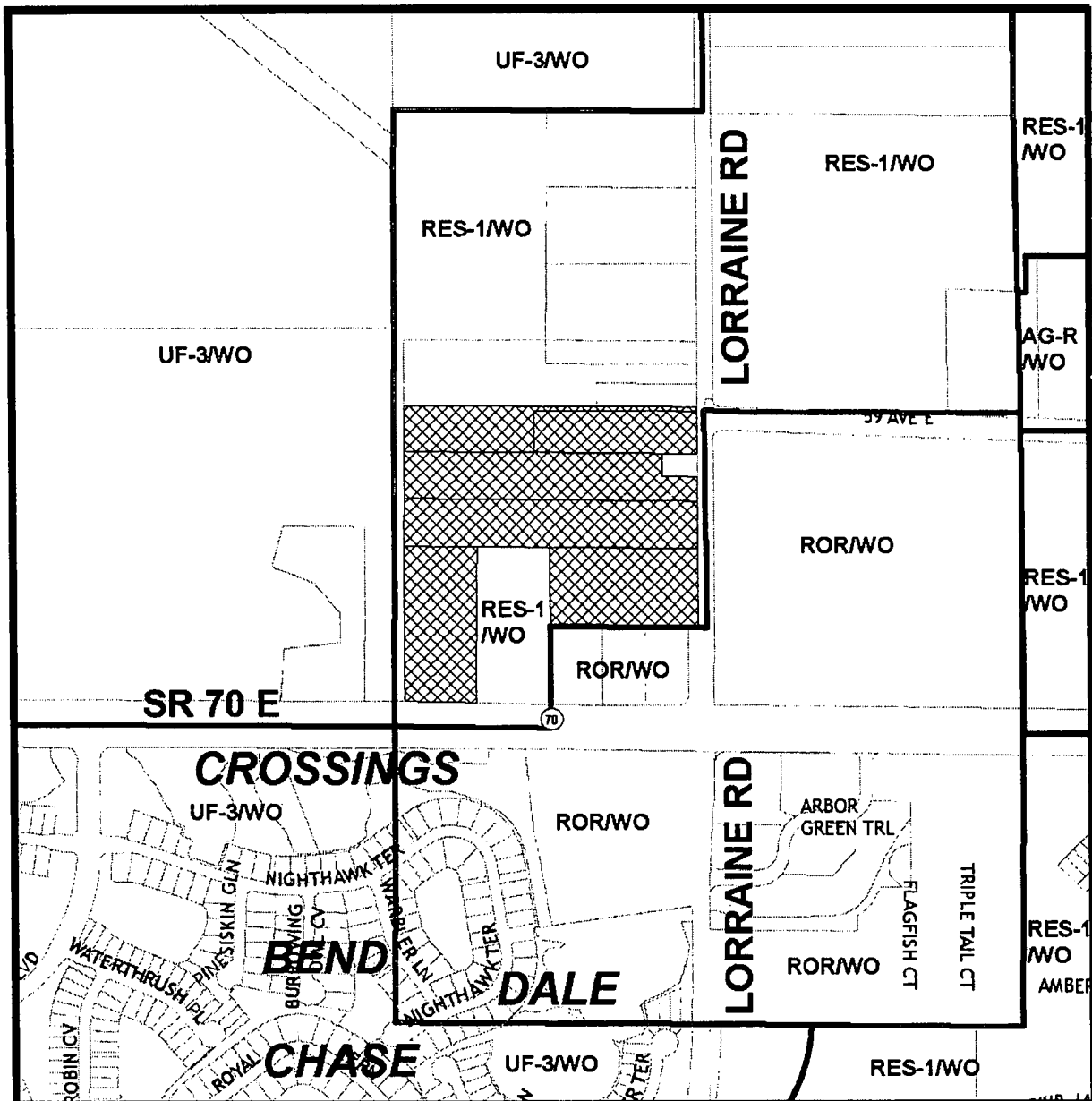


Exhibit A



Tax ID #(s) 582311007, 582312005, 582314001, 582314050, 582315008, 582316006

Project Number: PA-08-12/ ORD-08-27
 Proposed Use: RETAIL/OFFICE/RESID.
 Proposed Zoning: N/A
 Requested by: NANCY R. JORDAN

Flood Zone: X
 Floodway: N
 FIRM: 370_C
 Evac Zone: NONE
 Commissioner: Donna Hayes
 Map Prepared: 3/4/2008 8:07:31 AM

Existing Zoning: A/MF-E/ST
 Existing FLUC: RES-1/WO
 Acreage: 27.38
 Watershed: WPE
 Overlays: ST
 Special Areas: NONE
 Impact District: SE-D
 CHH: NONE
 Fire District: East Manatee
 AFHD: RURAL FRINGE-D
 Sec Twn Rng: Sec 15 Twn 35 Rng 19
 Drain Basin: UPPER BRADEN R

Manatee County
 Future Land Use
 Staff Report Map
 1 inch equals 563 feet

Legal Description

THE N1/2 OF THE FOLLOWING PARCEL: COM AT SW COR OF SEC 15; TH RUN N 0 DEG 03 MIN 11 SEC E, ALG W LN OF SD SEC 15 A DIST OF 65.8 FT TO A PT ON THE N R/W LN OF SR 70; TH RUN S 89 DEG 29 MIN 49 SEC E ALG SD N R/W LN A DIST OF 682.4 FT FOR A POB; TH CONT S 89 DEG 29 MIN 49 SEC E, ALG SD N R/W LN A DIST OF 642.4 FT TO PT OF INTERSEC WITH W R/W LN OF LORRAINE RD; TH RUN N 0 DEG 17 MIN 19 SEC W, ALG SD W R/W LN OF LORRAINE RD, A DIST OF 680 FT; TH RUN N 89 DEG 29 MIN 49 SEC W A DIST OF 640. 38 FT; TH RUN S 0 DEG 07 MIN 06 SEC E, A DIST OF 680 FT TO THE POB, DESC IN OR 1196 P 76 PRMCF PI#5823.1100/7

COM AT A PT ON W LN OF SEC 15, 68 FT N OF C/L OF SR 70; TH E, ALG N R/W LN A DIST OF 40 FT FOR THE POB; TH CONT E, ALG SD N R/W LN, 321.2 FT; TH N 680 FT; TH W 320.19 FT TO A PT 40 FT E OF SD W LN OF SEC 15; TH S 680 FT TO THE POB, (889/381) PI#5823.1200/5

THE S 185 FT OF THE E 709.88 FT OF THE FOL DESC LAND: THE S 40 FT OF NW1/4 OF SW1/4 LESS W 40 FT & LESS R/W FOR LORRAINE RD; ALSO THE N 165 FT OF SW1/4 OF SW1/4 LESS W 40 FT & LESS R/W FOR LORRAINE RD DESC (908/1384) PI#5823.1400/1

THE S 40 FT OF NW1/4 OF SW1/4, LESS W 40 FT & LESS R/W FOR LORRAINE RD, ALSO THE N 165 FT OF SW1/4 OF SW1/4, LESS W 40 FT & LESS THE R/W FOR LORRAINE RD; ALSO LESS THE S 185 FT OF E 709.88 FT THEREOF AS DESC IN OR 998 P 1768 PRMCF PI#5823.1405/0

THE S 205 FT OF N 370 FT OF SW1/4 OF SW1/4 OF SEC 15 LESS THE N 100 FT OF THE E 150 FT THEREOF & LESS W 40 FT & LESS R/W FOR LORRAINE RD DESC IN ORB 912 P 1952 PRMCF PI#5823.1500/8

BEG AT A PT 370 FT S & 40 FT E OF NW COR OF SW1/4 OF SW1/4 SEC 15, TWN 35S, RNG 19E & RUN ELY PARALLEL WITH N LN OF SD SW1/4 OF SW1/4, 1279.5 FT M/L, TO E LN OF SD SW1/4 OF SW1/4; TH RUN SLY ALG SD E LN OF SW1/4 [INSERT "OF SW1/4"], 204.7 FT, M/L, TO A CONC MON, SD MON BEING 680 FT N OF N R/W LN OF SR 70, TH RUN WLY ON A LN WHICH IS 680 FT N OF & PARALLEL TO SD N R/W LN OF SR 70 A DIST OF 1280.76 FT TO A PT 40 FT E OF W LN OF SD SW1/4 OF SW1/4; TH NLY, PARALLEL TO W LN OF SD SW1/4 OF SW1/4 203.1 FT, OR LESS, TO POB, LESS & EXCEPT R/W FOR LORRAINE RD AS DESC IN OR 966 P 255; TOGETHER WITH EASMT AS REC IN O.R. BK 811, P 411, PRMCF (1948/4162) PI#5823.1600/6



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: Debi Jensen D.C.



FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:42

FLORIDA DEPARTMENT of STATE

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

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. 08-27, 08-30, 08-52, 08-60, 08-81, PDR-05-67(Z) (P), PDR-06-73(Z) (P), PDR-08-13(Z) (P), Z-08-02, PDEZ-08-19(Z) (G) (R), PDEZ-08-20(Z) (G), PDEZ-08-21(Z) (G) (R), PDEZ-08-22(Z) (G) (R), PDPI-06-43(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,

Liz Cloud
Program Administrator

LC/srd
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://dliis.dos.state.fl.us>

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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.



Municipal Code Corporation
P.O. Box 2235
1700 Capital Circle SW. (32310)
Tallahassee, FL 32316-2235
850-576-3171
Fax: 850-575-8852
info@municode.com

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.

- You can also "GO GREEN" and reduce the number of supplement copies you receive or just get a PDF of the supplement to print your own copies. ask us how - email info@municode.com.
- Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly. For additional information email info@municode.com.
- We can post newly enacted ordinances in the online Code after each meeting. E-mail us for more information at info@municode.com.

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- We can do more than just codes... Please visit our Company On-line Brochure at: <http://www.municode.com/about/brochure.pdf>

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