

FILED FOR RECORD  
R. B. SHORE

**ORDINANCE NO. 08-30**

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 IL (INDUSTRIAL LIGHT) TO ROR (RETAIL-OFFICE-RESIDENTIAL 9 DWELLING UNITS/GROSS ACRE) FOR LAND LOCATED WEST OF 15TH STREET EAST BETWEEN 44TH AVENUE EAST AND 49TH AVENUE EAST; CONSISTING OF 51.66 ± ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

CLERK OF DISTRICT COURT  
MANATEE COUNTY, 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

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CLERK OF DISTRICT COURT  
MANATEE COUNTY, FLORIDA

**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-08-15 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 08-15 to amend the Comprehensive Plan, 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 June 16, 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 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 best interest of the public 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 in Exhibit "A" hereto which is incorporated herein by reference, from the IL (Industrial Light) Future Land Use Classification to the ROR (Retail-Office-Residential 9 dwelling units/gross acre) Future Land Use Classification. Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County's Comprehensive Plan as soon as Ordinance No. 89-01 is 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**

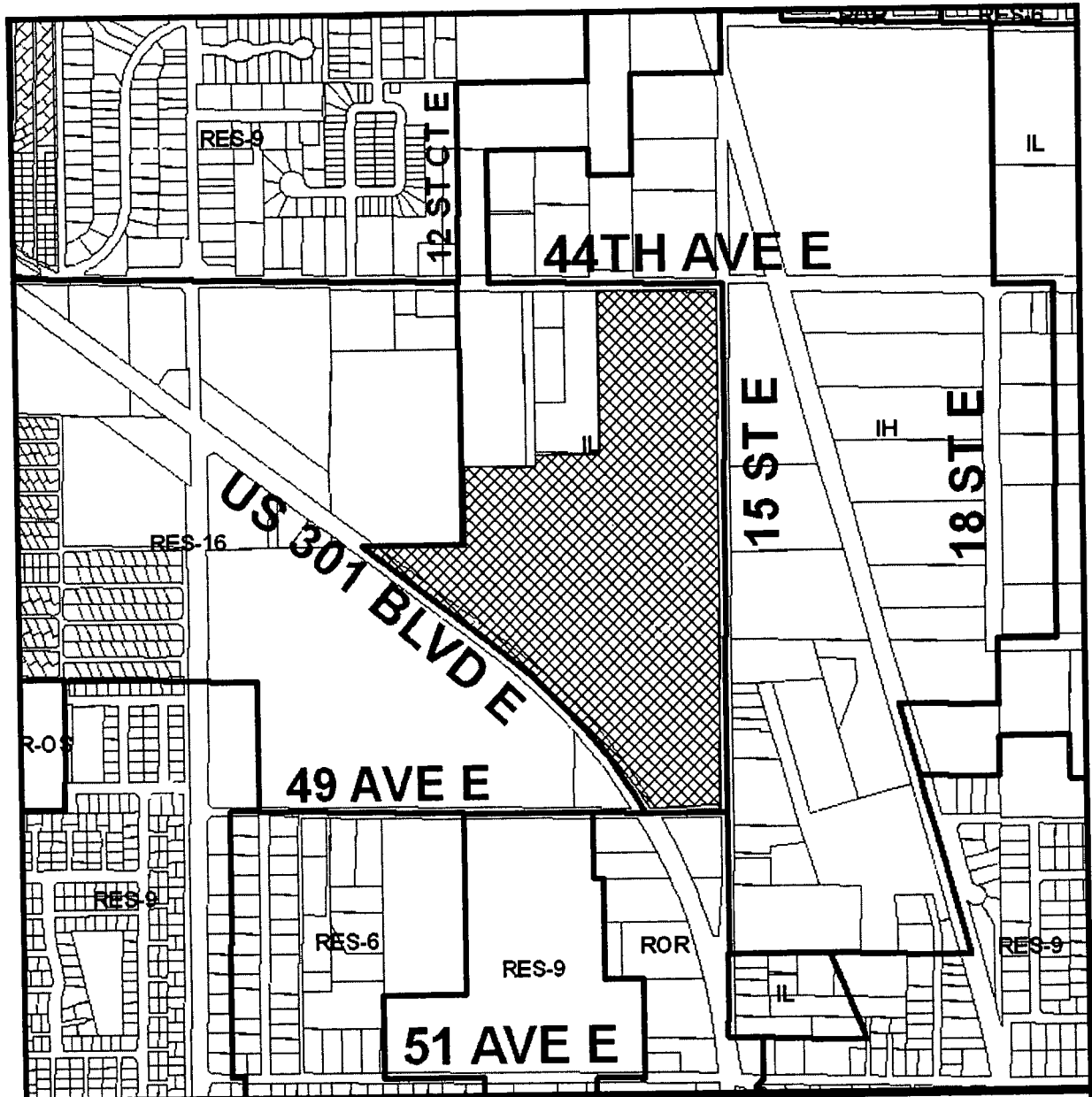
By: *Dr. Gwendolyn Y. Brown*  
Dr. Gwendolyn Y. Brown, Chairman

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

By: *Susan L. Comu*  
Deputy Clerk



Exhibit A



Tax ID #(s) 5584701059		Manatee County Future Land Use Staff Report Map 1 inch equals 667 feet	
Project Number:	PA-08-15/ORD-08-30	Existing Zoning:	LM
Proposed Use:	N/A	Existing FLUC:	IL
Proposed FLUC:	ROR	Acreage:	51.66
Requested by:	ONECO ASSOCIATES LLC	Watershed:	NONE
		Overlays:	NONE
		Special Areas:	NONE
Flood Zone:	A, AE, X5, X	Impact District:	SW-C
Floodway:	N	CHH:	NONE
FIRM:	333_B	Fire District:	Southern Manatee
Evac Zone:	NONE	AFHD:	URBAN-C
Commissioner:	Ron Getman	Sec Twn Rng:	Sec 12 Twn 35 Rng 17
Map Prepared:	3/27/2008 8:16:34 AM	Drain Basin:	BOWLEES CREEK

LEGAL DESCRIPTION

File Number 01-8884

Agent/Branch Number: 0320\*1796-1

EXHIBIT "A"

COMMENCE AT THE N.E. CORNER OF SEC. 12, TWP. 35 S., RGE. 17 E.; THENCE S 00°09'46" E, ALONG THE EAST LINE OF SAID SEC. 12, 40.00 FT.; THENCE N 89°44'25" W, PARALLEL TO THE NORTH LINE OF SAID SEC. 12, AND 40.0 FT. SOUTHERLY THEREFROM, 35.00 FT. TO THE INTERSECTION OF THE SOUTH R/W OF 44TH AVENUE E. (CORTEZ ROAD) AND THE WEST R/W OF 15TH STREET E., FOR A P.O.B.; THENCE CONTINUE N 89°44'25" W, ALONG THE SOUTH R/W OF SAID 44TH AVENUE E., 757.27 FT. TO THE N.E. CORNER OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 496, PAGE 435, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°05'20" E, ALONG THE EAST LINE OF SAID CERTAIN PARCEL IN O.R. BOOK 496, PAGE 435, 562.05 FT. TO THE S.E. CORNER OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 630, PAGE 93 OF SAID PUBLIC RECORDS; THENCE N 89°44'25" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL IN O.R. BOOK 630, PAGE 93, 155.00 FT. TO THE S.W. CORNER THEREOF; THENCE S 00°05'20" E, ALONG THE SOUTHER EXTENSION OF THE WEST LINE OF SAID CERTAIN PARCEL IN O.R. BOOK 630, PAGE 93, 321.9 TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 1005, PAGE 142 & 143 OF SAID PUBLIC RECORDS; THENCE N 89°44'25" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL IN O.R. BOOK 1005, PAGE 142 & 143, AND EASTERLY EXTENSION THEREOF, 380.00 FT. TO THE S.W. CORNER THEREOF, SAID POINT ALSO BEING ON THE WEST LINE OF THE N.E. 1/4 OF THE N.E. 1/4 OF SAID SEC. 12; THENCE S 00°05'20" E, ALONG THE WEST LINE OF SAID N.E. 1/4 OF THE N.E. 1/4, 403.21 FT. TO THE S.W. CORNER THEREOF, SAID POINT ALSO BEING THE N.E. CORNER OF THE S.W. 1/4 OF THE N.E. 1/4 OF SAID SEC. 12; THENCE N 89°40'07" W, ALONG THE NORTH LINE OF SAID S.W. 1/4 OF THE N.E. 1/4, 414.61 FT. TO THE INTERSECTION WITH THE NORTHEASTERLY R/W OF STATE ROAD #683 (SECTION 1312-102) (U.S. HIGHWAY #301); THENCE S 53°30'03" E, ALONG SAID NORTHEASTERLY R/W, 771.85 FT. TO THE P.C. OF A CURVE (S.R.D. CENTERLINE P.T. STATION 469+77.76), CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2914.78 FT.; THENCE SOUTHEASTERLY, ALONG SAID NORTHEASTERLY R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°35'03", 1148.91 FT. TO THE INTERSECTION WITH THE OCCUPIED NORTH R/W OF 49TH AVENUE E.; THENCE S 89°48'35" E, ALONG SAID OCCUPIED NORTH R/W, 324.84 FT. TO THE INTERSECTION WITH THE WEST R/W OF SAID 15TH STREET E THENCE N 00°09'46" W, ALONG SAID WEST R/W, PARALLEL TO THE EAST LINE OF SAID SEC. 12, AND 35.00 FT. WESTERLY THEREFROM, 2584.64 FT. TO THE P.O.B., BEING AND LYING IN THE N.E. 1/4 OF SEC. 12, TWP. 35 S., RGE. 17 E., MANATEE COUNTY, FLORIDA



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 10<sup>th</sup> day of December, 2008  
 R.B. SHORE  
 Clerk of Circuit Court  
 By: Debi Lerner D.C.



FILED FOR RECORD  
R. B. SHORE

2008 DEC 23 AM 10:42

**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF CIRCUIT COURT  
MANATEE CO. 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://dlis.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](mailto: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.

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