

ORDINANCE 12-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT TO MODIFY THE EXEMPTION TO COMMERCIAL LOCATIONAL CRITERIA FOR MYAKKA CITY, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2012 FEB 13 AM 10:23
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

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, The Local Government Comprehensive Planning and Land Development Regulation Act, Part II, Chapter 163, Florida Statutes, as amended and retitled the Community Planning Act in House Bill 7207 (the "Act") empowers and requires the County (a) to plan for the county's future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, Manatee County Ordinance 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-12-02 initiated by Manatee County is a request to the Future Land Use Element to modify the exemption to commercial locational criteria for Myakka City; and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency for purposes of the Act, considered an amendment to the Manatee County Comprehensive Plan, recommended adoption of the Future Land Use Element to modify the exemption to commercial locational criteria for Myakka City; and

WHEREAS, on November 10, 2011, 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 December 1, 2011, to consider the amendment and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by letter dated January 3, 2012, issued their comments on said amendment to the comprehensive plan; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2011), on February 2, 2012, the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided, to consider 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 the 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; 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 the Act, 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.

Section 3. Text Amendment: The Manatee County Comprehensive Plan, Ordinance 89-01, Definitions, the Future Land Use Element are hereby amended with reference to the text listed in this section as set forth below:

PROPOSED LANGUAGE (shown in ~~strikeout~~ and underline format)

Objective: 2.10.4

Locational Criteria and Development Standards:
Consistency of all commercial uses approved with required locational criteria and development standards.

Policy: 2.10.4.2

Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 of the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within ~~4,500~~ 1,640 feet west from its intersection with Wauchula Road, and 1,500 feet east from its intersection with Wauchula Road and located within 1,000 feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half mile spacing requirement denoted in Policy 2.10.4.3(4).

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 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: The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commissioners enters a final order determining this adopted amendment to be in compliance. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 2nd day of February, 2012.

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

By: *John R. Chappie*
John R. Chappie Chairman

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



By: *Wicki Essner*
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 8th day of February, 2012
R.B. SHORE
Clerk of Circuit Court
By: *R. B. Shore* D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KURT S. BROWNING
Secretary of State

February 15, 2012

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

RECEIVED
FEB 22 2012
BOARD RECORDS

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 8, 2012 and certified copies of Manatee County Ordinance Nos. 12-02, 12-08 and PDR-11-03(Z) (P), which were filed in this office on February 13, 2012.

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