

ORDINANCE NO. 16-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS 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 FUTURE LAND USE ELEMENT TO DESIGNATE SPECIFIC REAL PROPERTY FROM THE UF-3 (URBAN FRINGE – 3 DWELLING UNITS PER GROSS ACRE) FUTURE LAND USE CLASSIFICATION (59.68± ACRES) TO THE RES-6 (RESIDENTIAL– 6 DWELLING UNITS PER ACRE) FUTURE LAND USE CLASSIFICATION; PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF MOCCASIN WALLOW ROAD, APPROXIMATLY 1.75 MILES EAST OF THE I-75/MOCCASIN WALLOW ROAD INTERCHANGE, PARRISH; PROVIDING FOR RELATED AMENDMENTS FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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 Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2016) as amended, 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 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-15-05 is a privately initiated application to amend the Future Land Use Map Series of the Future Land Use Element from the UF-3 (Urban Fringe – 3 dwelling units per gross acre) Future Land Use Classification (59.68± acres) to the RES-6 (Residential – 6 dwelling units per acre) Future Land Use Classification on property being generally located on the south side of Moccasin Wallow Road, approximately 1.75 miles east of the I-75/Moccasin Wallow Road interchange, Parrish; 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 Application PA-15-05; and passed a motion to recommend transmittal of Plan Amendment 15-05 to the Board of County Commissioners; 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 May 5, 2016, to consider Plan Amendment 15-05 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 June 17, 2016, identified no comments related to important State resources and facilities within the Department of Economic Opportunity's (DEO) authorized scope of review that would be adversely impacted by Plan Amendment 15-05, if adopted; and

WHEREAS, the Florida Department of Transportation by letter dated June 2, 2016 transmitted its review comments on Plan Amendment 15-05 as to transportation resources and facilities of State importance; and

WHEREAS, the Florida Department of Environmental Protection, by correspondence dated June 1, 2016, transmitted its review comments for Plan Amendment PA-15-05 and determined no provision in the Plan Amendment, if adopted, would adversely impact important State resources, specifically air and water pollution, wetlands and other surface waters of the State, federal and State owned lands and interests in lands including state parks, greenways and trails, conservation easements, solid waste, and water and wastewater treatment; and

WHEREAS, the Southwest Florida Water Management District, by letter dated June 10, 2016 provided comments regarding regional water supply and wetlands and other surface waters; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council prepared a report on Plan Amendment PA 15-05 and the report was affirmed by the Tampa Bay Regional Planning Council at the meeting of June 13, 2016; and

WHEREAS, the report of the Tampa Bay Regional Planning Council (the TBRPC) identified no adverse effects on regional resources or facilities as identified in *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region 2005* and no extra-jurisdictional impacts were identified that would be inconsistent with the comprehensive plan of any affected local government; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission (FWC) by correspondence dated June 9, 2016, have no comments, recommendations or objections related to fish and wildlife or listed species or their habitat on this amendment; and

WHEREAS, Sarasota County Planning and Development Services Department, by letter dated May 23, 2016 transmitted its review comments and determined Plan Amendment PA-15-05 does not conflict with Sarasota County's goals, objectives, and policies; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2016), on August 4, 2016, the Board of County Commissioners held an adoption 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, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency and all applicable State or local review agencies; and

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-15-05 would be in the public interest; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2016), 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. 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 UF-3 (Urban Fringe – 3 Dwelling Units per gross acre) Future Land Use Classification (59.68 ± acres) to the RES-6 (Residential – 6 dwelling units per acre) Future Land Use Classification; said property being generally located on the south side of Moccasin Wallow Road, approximately 1.75 miles east of the I-75/Moccasin Wallow Road interchange, Parrish (Manatee County). 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.

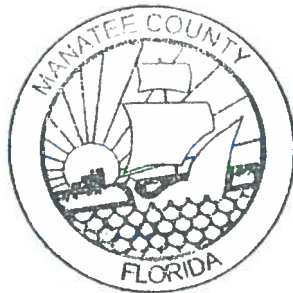
Section 4. Severability: If any section, sentence, clause or other provision of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 6. Codification: Pursuant to Section 125.68(1), Fla. Stat., this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for

codification.

Section 5. Effective Date: The effective date of this Plan Amendment PA-15-05, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies Manatee County that the adopted plan amendment package for Plan Amendment PA-15-05 is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted Amendment PA-15-05 to be in compliance.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 4th day of August, 2016.



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

By: _____

Vanessa Baugh, Chairman

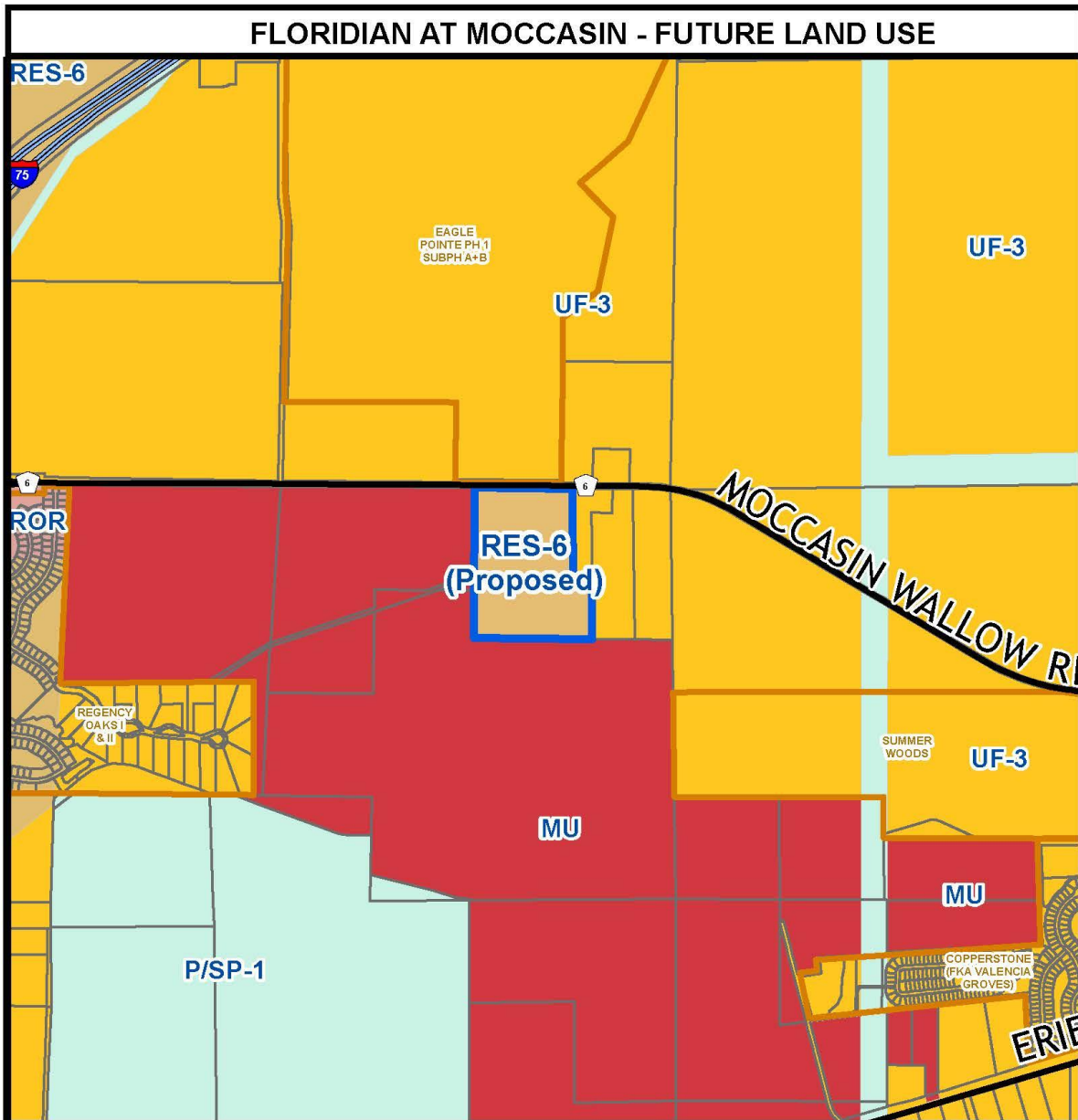
**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

By: _____

Deputy Clerk

Exhibit "A"

Map



Parcel ID #(s) 650700059					
Project Name:	Floridian at Moccasin				
Project #:	PA-15-05 / ORD-16-01				
DTS#:	20150353				
Proposed Use:	Residential				
S/T/R:	Sec 23 Twn 33 Rng 18				
Acreage:	59.68				
Existing Zoning:	A	CHH:	NONE		
Existing FLU:	UF-3	Watershed:	NONE		
Overlays:	NCO	Drainage Basin:	BUFFALO CREEK		
Special Areas:	Greenway	Commissioner:	Larry Bustle		
				Manatee County Staff Report Map Map Prepared 7/2016 1 inch = 1,692 feet	

**Exhibit “A”
Legal Description**

A PARCEL OF LAND LYING IN NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER SECTION 23, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S89°37'55"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1293.74 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID NORTHEAST 1/4; THENCE S00°38'24"E, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID NORTHEAST 1/4, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD (COUNTY ROAD #6) FOR A POINT OF BEGINNING; THENCE S89°37'55"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1293.74 FEET TO THE POINT OF INTERSECTION OF SAID LINE AND THE WEST LINE OF SAID NORTHEAST 1/4, SAID POINT LYING S00°37'07"E, 40.00 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°37'07"E, ALONG SAID WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1882.75 FEET TO THE POINT OF INTERSECTION OF SAID LINE AND THE SOUTH LINE OF THE NORTH 600 FEET OF THE SOUTH 1/2 OF SAID NORTHEAST 1/4; THENCE N88°28'32"E, ALONG SAID SOUTH LINE, A DISTANCE OF 1536.65 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE SOUTHERLY EXTENSION OF THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 326, PAGE 193, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N00°38'24"W, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 740.01 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S88°28'26"W, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 242.07 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE N00°38'24"W, ALONG THE WEST LINE OF SAID PARCEL, SAID LINE ALSO BEING THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 1116.62 FEET TO THE POINT OF BEGINNING



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 5, 2016

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 16-01, which was filed in this office on August 5, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb