

**ORDINANCE NO. 19-12 fka 18-35/PA-18-09  
DBM MARINA, LLC/SARABAY DEVELOPMENT (SMALL SCALE MAP AND  
TEXT AMENDMENT) PLN1807-0001**

**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 PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A PRIVATELY-INITIATED MAP AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT TO DESIGNATE SPECIFIC REAL PROPERTY FROM THE OL (LOW INTENSITY OFFICE) (3.79± ACRES) AND RES-3 (RESIDENTIAL-3) (0.58± ACRES) FUTURE LAND USE CLASSIFICATIONS TO THE R/O/R (RETAIL/OFFICE/RESIDENTIAL) FUTURE LAND USE CLASSIFICATION FOR A TOTAL OF APPROXIMATELY 4.38 ACRES; SAID PROPERTY IS THE WESTERN PORTION OF AN ±8.81-ACRE PROPERTY LOCATED AT 7045 NORTH TAMiami TRAIL, SARASOTA (MANATEE COUNTY), PROVIDING FOR A SPECIFIC PROPERTY DEVELOPMENT CONDITION IN THE TEXT OF THE COMPREHENSIVE PLAN TO LIMIT THE NUMBER OF RESIDENTIAL UNITS AND SQUARE FOOTAGE OF NON-RESIDENTIAL USES WITHIN THE PROPERTY; 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 (2018) 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-18-09 initiated by the owner of the property described in Exhibit A, (the Applicant) is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element from OL (Low Intensity Office) (3.79± Acres) and RES-3 (Residential-3) (0.58± Acres) Future Land Use Classifications to the R/O/R (Retail/Office/Residential) Future Land Use Classification for a total of approximately 4.37 acres and a text amendment for a specific property development condition in the text of the comprehensive plan to limit the number of residential units and square footage of non-residential uses within the property, hereinafter (the “Amendments”); and,

**WHEREAS**, the proposed amendment encompasses 10 acres or less and meets the requirements to qualify for adoption as small area plan amendment under Section 163.3187(1)(a) and (1)(c), Florida Statutes; and,

**WHEREAS**, at duly noticed public hearings, the Manatee County Planning Commission,

as the County's Local Planning Agency, in accordance with the Act and as established in the Land Development Code, considered Application PA-18-09 to amend the Future Land Use Map Series and Text Amendment, as provided herein, and found the Amendments consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Comprehensive Plan; and,

**WHEREAS**, on January 17 and May 9, 2019, the Manatee County Planning Commission, after due public notice, held two public hearings to consider the Amendments, 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 two public hearings on February 7 and June 6, 2019 to consider the Amendments and adopted the proposed Amendment in accordance with the Act; and,

**WHEREAS**, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because a change in circumstance has been demonstrated by the Applicant; and,

**WHEREAS**, the Applicant has submitted with its Application information and analysis on the compatibility of the proposed uses with surrounding development.

**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. Based upon the findings made relative to this proposed map amendment to the Comprehensive Plan, and the compatibility analysis submitted with the Applicant, it has been determined that the existing Future Land Use Map designation for the property subject to the Amendments is no longer in the public interest and should be amended subject to the Text Amendment as described in Section 3 below.

**Section 3. Text Amendment to the Future Land Use Element:** The Manatee County Comprehensive Plan Chapter entitled "Future Land Use Element" is hereby amended to add language as shown below (additions to text indicated by underline, deletions by ~~strike-out~~):

**Policy 2.14.1.13:** D.5.13/Ordinance 19-12 fka 18-35 (SaraBay Development PA-18-09). The 4.37± acre property located on the north side of the US 41, identified as the SaraBay Development Amendment and designated as R/O/R (Retail/Office/Residential) on the Future Land Use Map pursuant to the Manatee County Ordinance No. 19-12 fka 18-35 and Comprehensive Plan Amendment No. PA-18-09 shall be limited to a maximum of twenty-four (24) residential units, and sixty-six thousand six hundred twenty five (66,625) square feet of non-residential uses (commercial and office).

**Section 4. Map Amendment:** The Manatee County Comprehensive Plan 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 OL (Low Intensity Office) (3.79± Acres) and RES-3 (Residential-3) (0.58± Acres) Future Land Use Classifications to the R/O/R (Retail/Office/Residential) Future Land Use Classification for a total of approximately 4.37± acres (Future Land Use Map Exhibit “B”). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County’s Comprehensive Plan, as amended.

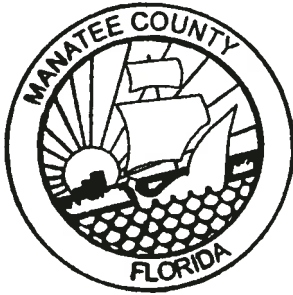
**Section 5. Severability:** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 6. Codification:** The publisher of the County’s Comprehensive Plan, the Municipal Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this Ordinance into the Comprehensive Plan.

**Section 7. Effective Date:** This effective date of this small-scale amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5)(a), F.S. If challenged within 30 days after adoption, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission respectfully, finding the Amendments in compliance with the Act.

**PASSED AND DULY ADOPTED**, in open session, with a quorum present and voting this 6<sup>th</sup> day of June, 2019.

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



By: *Stephen R. Jonsson*  
Stephen R. Jonsson, Chairman

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

By: *A. Colonneso*  
Deputy Clerk

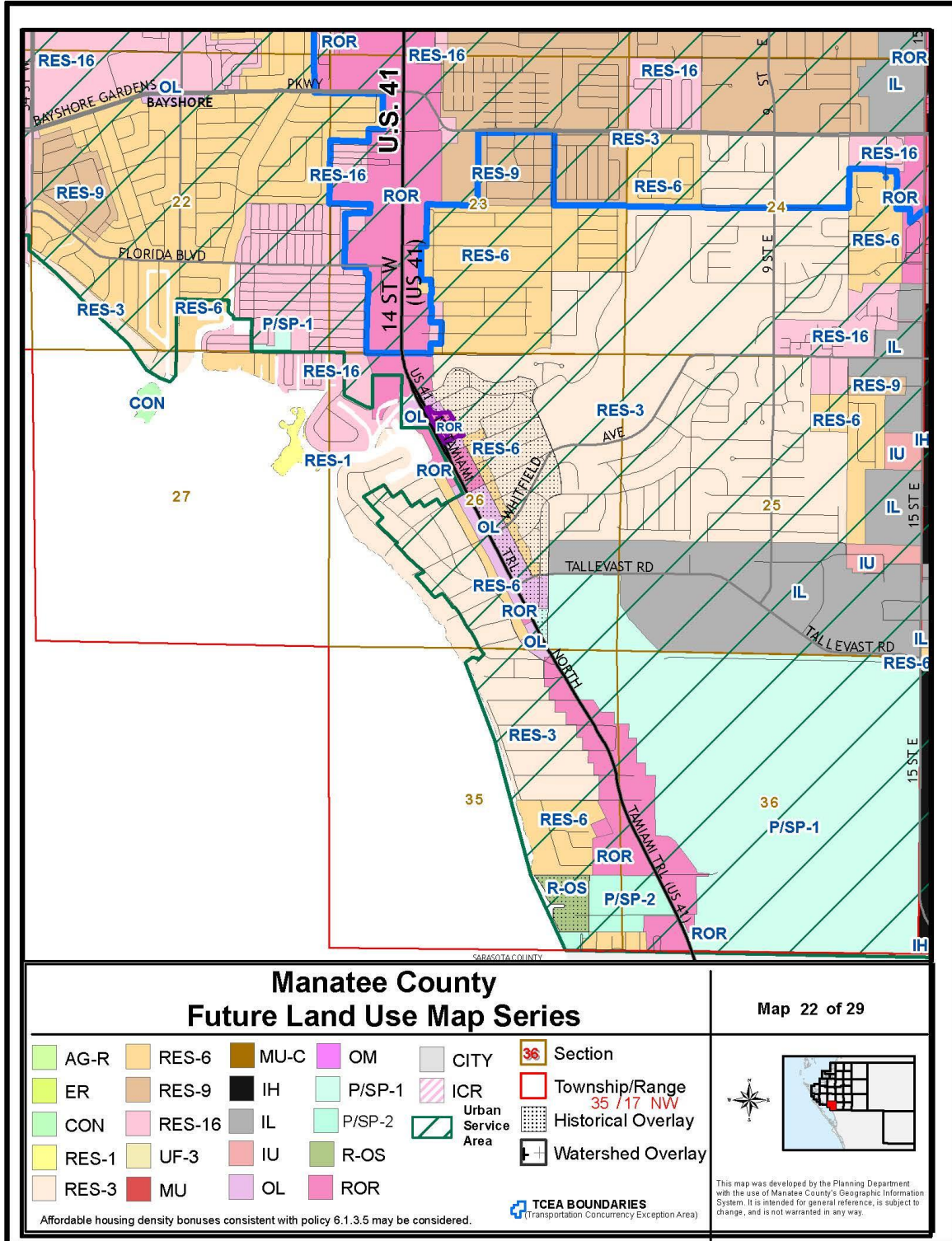
**Exhibit "A"**

THAT PART OF WHITFIELD ESTATES ON SARASOTA BAY, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 33 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA LYING WITHIN BLOCKS 46, 50, 51 AND 52. ALONG WITH A PORTION OF THE RIGHT OF WAYS KNOWN AS MANATEE AVENUE, JUNGLE WAY AND MENDEZ DRIVE AS SHOWN ON SAID PLAT BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 18, BLOCK 46 OF SAID WHITFIELD ESTATES ON SARASOTA BAY, SAID POINT BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41 (TAMIAMI TRAIL) AS PER DEED RECORDED IN DEED BOOK 377, PAGE 375 OF SAID PUBLIC RECORDS; THENCE N 27°14'20" W ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 705.27'; THENCE N 33°29'32" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 13.67' TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF MAGELLAN DRIVE (DESOTA DRIVE) AS SHOWN ON SAID PLAT; ; THENCE N 69°03'09" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 54.25'; TO NORTHERLY CORNER OF LOT 1 OF SAID BLOCK 46, ALSO BEING THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE AND WESTERLY RIGHT OF WAY LINE OF MANATEE AVENUE AS SHOWN ON SAID PLAT AND BEING A POINT ON A CURVE, THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 159.08', WITH A RADIUS OF 242.78', WITH A CHORD BEARING OF S 38°38'07" E, WITH A CHORD LENGTH OF 156.25', TO THE POINT OF INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND THE RELOCATED SOUTHERLY RIGHT OF WAY LINE JUNGLE WAY AS DESCRIBED AND RECORDED IN DEE BOOK 334, PAGE 353 OF SAID PUBLIC RECORDS; THENCE N 86°28'17" E ALONG SAID RELOCATED SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 271.14'; THENCE S 27°14'33" E A DISTANCE OF 482.47' TO THE SOUTH LINE OF LOT 1 BLOCK 52 OF WHITFIELD ESTATES ON SARASOTA BAY, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 33 OF THE PUBLIC RECORDS OF MANATEE COUNTY,; THENCE S 67°35'37" W A DISTANCE OF 24.88' TO THE NORTHWESTERLY CORNER OF SAID LOT 40, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MANATEE AVENUE, A 50 FOOT WIDE RIGHT OF WAY AS SHOWN ON SAID PLAT; THENCE N 83°18'03" W A DISTANCE OF 60.27' TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID MANATEE AVENUE, SAID POINT BEING A POINT ON THE EASTERLY LINE OF LOT 13, BLOCK 46 OF SAID PLAT; THENCE S 63°22'46" W ALONG THE SOUTHERLY LINE OF LOT 18 OF SAID BLOCK 46 AND ITS EASTERLY PROJECTION, A DISTANCE OF 270.22'; TO THE POINT OF BEGINNING.

CONTAINING 190,790.4 Sq. Ft. 4.38 Acres

Exhibit “B”





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

June 7, 2019

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

Attention: Quantana Acevedo

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 19-12, which was filed in this office on June 7, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [lisa.barrett@mymanatee.org](mailto:lisa.barrett@mymanatee.org); [Quantana Acevedo](#)  
**Subject:** Manatee County, FL Comprehensive Plan - 2017 (15530) Supplement 4  
**Date:** Tuesday, June 11, 2019 11:37:54 AM  
**Attachments:** [ATT00001.bin](#)  
[ATT00002.bin](#)

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\*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 4

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 19-01	6/6/2019	6/11/2019	Word
Ordinance No. 19-07	3/7/2019	4/10/2019	Word
→ Ordinance No. 19-12	6/6/2019	6/11/2019	Word
Ordinance No. 19-16	6/6/2019	6/11/2019	Word
Ordinance No. 19-20	5/2/2019	5/7/2019	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.