January 29, 1996

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters of January 25 and 26, 1996 and certified copy each of Manatee County Ordinance Nos. Z-86-30(G)(R3-b), PDR-95-13(Z)(P), 95-40, and corrective Ordinance No. 95-44, which were filed in this office on January 29, 1996.

The duplicate copy of each showing the filing date is being returned for your records.

Sincerely,

Liz Cloud
Chief
Bureau of Administrative Code

LC/mw

Enclosures
ORDINANCE 95-40
SCHROEDER MANATEE RANCH, INC. (CYPRESS BANKS)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN, PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 20) FROM AT/WO-E (MAJOR ATTRACTOR/WATERSHED OVERLAY-EVERS RESERVOIR) TO UF-3/WO-E (URBAN FRINGE-3 DU/ACRE/WATERSHED OVERLAY-EVERS RESERVOIR) FOR CERTAIN LAND LOCATED WITHIN THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT WHICH IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 70, EAST OF LAKESWOOD RANCH BOULEVARD (FKA UPPER MANATEE RIVER ROAD) AND WEST OF LORRAINE ROAD, CONSISTING OF 26.2± ACRES; 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, Sections 163.3161 through 163.3215, Florida Statutes, titled "The Local Government Comprehensive Planning and Land Development Regulation Act," empowers and requires the Board of County Commissioners of the County of Manatee (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 89-01 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

WHEREAS, Sections 163.3184 and 163.3187, Florida Statutes, titled "Process for Adoption of Comprehensive Plan or Amendment Thereto," and "Amendment of Adopted Comprehensive Plan," respectively, empowers the local government to develop and adopt comprehensive plan amendments; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 90-01; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of the County of Manatee, Florida by Ordinance 90-01 duly designated said Planning Commission as the Local Planning Agency for the unincorporated area of Manatee County; and

WHEREAS, the Manatee County Planning Commission, empowered by the above cited laws and ordinances, considered an amendment to the Manatee County Comprehensive Plan, altering Sheet 20 of the Future Land Use Map in the Future Land Use Element, as referenced in the Title of this ordinance, 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 have been met or exceeded; and

WHEREAS, on September 14, 1995, 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 to consider the amendment and the transmittal of the proposed amendment to the Florida Department of Community Affairs in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the State Land Planning Agency by letter dated December 15, 1995 transmitted their comments and objections on said amendment to the comprehensive plan; and

WHEREAS, said amendment to the comprehensive plan was revised as appropriate in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on January 25, 1996 the Board of County Commissioners of the County of Manatee, Florida held another public hearing, with due public notice having been provided on said amended version of 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 objections, recommendations and comments of the State Land Planning Agency; 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 circumstances has been demonstrated by the applicant;

WHEREAS, the uses allowed in the UF-3 Future Land Use category of the proposed plan amendment have been found by the Board of County Commissioners to be generally compatible with other land uses in the area; and found to be consistent with the goals, objectives, and policies of the comprehensive plan; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt 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 Chapter 163, Florida Statutes, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan; and

WHEREAS, this Plan Amendment has been adopted pursuant to Section 163.3187(1)(b), Florida Statutes, which outlines the adoption of comprehensive plan amendments directly related to a Development of Regional Impact.

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 Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: Based upon the foregoing, which are adopted as findings of fact by the Board of County Commissioners, it has been determined that the existing Future Land Use Map sought to be amended 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 89-01, shall be amended by changing the Future Land Use classification of the property, generally shown on the map as Attachment "A" hereto, and more specifically identified below in this Section 3, from AT/WO-E (Major Attractor/Evers Reservoir Watershed Overlay) to UF-3/WO-E (Urban Fringe-3 du/acre/Evers Reservoir Watershed Overlay). The legal description of the property affected is more particularly described as follows:

Legal Description:

Commence at the northeast corner of Section 20, Township 35 S., Range 19 E., also being the northwest corner of Section 21, Township 35 S., Range 19 E.; thence S 00°05’32” W, along the common line between Section 20 and 21, 1,010.00 feet, for a P.O.B.; thence S 66°05’32” W, 280.00 feet; thence S 23°54’28” E 628.89 feet to the intersection with said common line between Section 20 and 21; thence S 00°05’32” W, along said common line, 450.00 feet; thence S 64°54’28” E, 580.00 feet; thence N 25°05’32” E. 917.59 feet; thence N 23°54’28” W, 875.72 feet; thence S 66°05’32” W, 610.00 feet to the P.O.B., being and lying in Section 20 and 21, Township 35 S, Range 19 E., Manatee County, Florida. Containing 26.20 acres more or less.

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. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

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 in accordance with Section 163.3184(10), Florida Statutes, or whichever occurs first.

PASSED AND DULY ADOPTED, with a quorum present and voting this 25th day of January, 1996.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: ____________________________
Chairman

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

By: ____________________________
Future Land Use Map

Section - Township-Range
20,21-35-19
Case No.
PA-95-15 ORD. 95-40
Requested By:
SCHROEDER MANATEE, INC.
Property Owner(s):
SCHROEDER MANATEE, INC.
Commissioner:
HOOPER
Tax ID:
5841.0125/7
5843.0002/4

I hereby certify that the foregoing is a true copy of ORDINANCE NO. 95-60 adopted by the Board of County Commissioners of said County on the 19th day of January, 1995 in Bradenton, Florida.

R. B. Shara
Clerk of Circuit Court

Map prepared: 8/11/95
Map revised:
C.c. to: 
Debbie - PR
d
2/5/94
SU

And Barbara -

2/16/94
LMO