

CITY OF BRADENTON, FLORIDA
ORDINANCE NO: 2970

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 1015 MANATEE AVENUE EAST, BRADENTON, (ALSO KNOWN AS GLAZIER GATES PARK), MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE COMPREHENSIVE LAND USE PLAN AMENDMENT CP.15.2887) CHANGING THE FUTURE LAND USE DESIGNATION FROM RECREATION/OPEN SPACE TO URBAN VILLAGE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE..

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, as revised in 1968, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, The Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, Chapter 163, Florida Statutes, Part II, Local Government Comprehensive Planning/Land Development Regulation, requires, authorizes and empowers municipalities to prepare, adopt, amend and enforce Comprehensive Plans for the development of the City and empowering the City Council of the City of Bradenton to plan for the City's future development and growth in order to responsibly guide the future growth and development of the City, to implement adopted or amended Comprehensive Plans by the adoption of appropriate land development regulations and to establish, support and maintain procedures to carry out the provisions and purposes of said Statute; and,

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council of the City of Bradenton duly designated its Planning Commission as the Local Planning Agency (LPA) for the City of Bradenton; and,

WHEREAS, the LPA and the City Council have in the preparation of the Amendment to the City's Comprehensive Plan performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, work shops and meetings, as necessary, and have effectively provided for public participation, notice, opportunity for oral or written comments; and,

WHEREAS, pursuant to Section 163.3184 and Section 163.3187(1), Florida Statutes, the City of Bradenton's LPA held the required public hearing on August 19, 2015 for the proposed Small Scale Comprehensive Plan Amendment with public notice; and,

WHEREAS, the LPA having reviewed and considered all comments received during said hearing and recommended said Amendment to the City Council for approval; and,

WHEREAS, based on the matters of record received by the City Council at the required public hearing pursuant to Section 163.3187(2), Florida Statutes, held on September 23, 2015 after proper notice, and finding the proposed Amendment meets the requirements of Section 163.3187(1), Florida Statutes, the City Council, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt said Amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AS FOLLOWS:

1. The recitals set forth above are true and correct and are hereby adopted as findings by the City Council for the adoption of this Ordinance. Based on such findings the City Council determines that the City of Bradenton Comprehensive Plan should be amended as described in Sections 2 and 3 below.

2. The Small Scale Development Map Amendment to the City of Bradenton Comprehensive Plan, changing the Future Land Use Designation of the property located at 1015 Manatee Avenue East from Recreation/Open Space to Urban Village as illustrated and shown on the attachment hereto which is incorporated herein as Attachment "A," is hereby adopted as amending the Comprehensive Plan for the City of Bradenton.

3. The Small Scale Development Amendment to the City Comprehensive Plan Future Land Use Element and Future Land Use Map, as set forth in Attachment "A," is incorporated by reference in its entirety as if fully set forth.

4. The applicability and effect of the City of Bradenton Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance. Except to the extent as amended hereby, the Comprehensive Plan is hereby ratified, confirmed and remains in full force and effect.

5. In the event any provision or portion of this Ordinance is declared by any Court of competent jurisdiction to be void, unconstitutional or unenforceable, then, and in that event, all remaining provisions and portions of this Ordinance shall remain in full force and effect.

6. This Ordinance adopting the Small Scale Development Amendment shall not become effective, as provided by law, pursuant to Section 163.3187(5)(c), F.S., until thirty-one (31) days after adoption. If challenged, within thirty (30) days after adoption, this Small Scale Development Amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted Small Scale Development Amendment is in compliance.

PASSED AND DULY ADOPTED, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN A MAJORITY OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, THIS ~~23rd DAY OF SEPTEMBER 2015.~~

14th DAY OF OCTOBER 2015

ATTEST: CARL CALLAHAN
City Administrator

CITY OF BRADENTON, FLORIDA, BY AND
THROUGH THE CITY COUNCIL OF THE CITY
OF BRADENTON

By: *Beauchamp*
for City Administrator

By: *Wayne H. Poston*
Wayne H. Poston, Mayor

Planning Commission: August 19, 2015
City Council First Reading: September 9, 2015
City Council Second Reading: September 23, 2015 *TABLED*

continued to October 14th, 2015

LEGAL NOTE

I hereby certify that I have approved the form of this Ordinance No. **2970**

William R. Lisch
WILLIAM R. LISCH, CITY ATTORNEY



EXHIBIT A
[Comprehensive Plan Amendment]

PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF LOTS 17 AND 18, ACCORDING TO THE PLAT OF THE W ½ OF THE SE ¼ OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 17 EAST, RECORDED IN PLAT BOOK 1, PAGE 84; D.M.DOWDELL LOT OF DAVIS--- MANATEE CO'S SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 5; LOTS 1 THROUGH 10 AND LOT 13 (A.K.A. WIGGINS ST.), OF E.M.THORPE'S SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 60; OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

BEGINNING AT THE NORTHWEST CORNER OF D.M.DOWDELL LOT OF SAID DAVIS--- MANATEE CO'S SUBDIVISION; THENCE ALONG THE NORTH BOUNDARY OF SAID D.M.DOWDELL LOT S.89°02'55"E., A DISTANCE OF 426.07 FEET; THENCE ALONG A MEANDER LINE COMMON TO THE WEST BOUNDARY OF LOTS 24 THROUGH 27, OF ADDITION TO PLAT OF PARADISE FARM W.F.TALLANT, RECORDED IN PLAT BOOK

2, PAGE 85, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, THE FOLLOWING FOUR CALLS, S.04°52'04"E., A DISTANCE OF 113.42 FEET; THENCE S.31°07'04"E., A DISTANCE OF 117.83 FEET; THENCE S.44°30'22"E., A DISTANCE OF 86.06 FEET; THENCE S.20°14'12"E., A DISTANCE OF 176.50 FEET TO A POINT ON THE NORTH RIGHT---OF---WAY LINE OF MANATEE AVENUE; THENCE ALONG SAID NORTH RIGHT---OF---WAY LINE N.88°25'41"W., A DISTANCE OF 519.78 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF SAID E.M.THORPE'S SUBDIVISION; THENCE N.01°11'49"E., A DISTANCE OF 113.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N.88°44'56"W., A DISTANCE OF 106.36 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID E.M.THORPE'S SUBDIVISION; THENCE N.01°00'53"E., A DISTANCE OF 318.35 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: Lot 16, Davis---Manatee Co's Subdivision, as per plat thereof recorded in Plat Book 2, Page 5, of the Public Records of Manatee County, Florida.



BRADENTON HERALD

WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
941-745-7066

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Dava Reyes, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice Of Public Hearing, Ordinance-2970**, was published in said newspaper in the issue(s) of **08/31/2015 & 09/16/2015**.

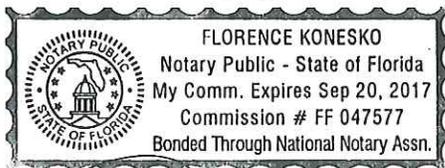
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of Affiant)

Sworn to and subscribed before me this

16 Day of Sept, 2015





SEAL & Notary Public

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

NOTICE OF SMALL SCALE COMPREHENSIVE PLAN MAP CHANGE

NOTICE OF PUBLIC HEARINGS

The City of Bradenton City Council will meet in regular session in City Council Chambers, 101 Old Main Street, Bradenton to consider the following item at two (2) public hearings on the following dates:

Wednesday, September 9, 2015 at 8:30 a.m.
Wednesday, September 23, 2015 at 6:00 p.m.

ORDINANCE NO. 2970

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 1015 MANATEE AVENUE EAST, BRADENTON, (ALSO KNOWN AS GLAZIER GATES PARK), MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE COMPREHENSIVE LAND USE PLAN AMENDMENT CP.15.2887) CHANGING THE FUTURE LAND USE DESIGNATION FROM RECREATION/OPEN SPACE TO URBAN VILLAGE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Legal Description:

A Parcel of Land Being A Portion of Lots 17 and 18, According To The Plat Of The W ½ Of The SE ¼ Of Section 25, Township 34 South, Range 17 East, Recorded In Plat Book 1, Page 84; D.M. Dowdell Lot Of Davis-Manatee Co's Subdivision, Recorded In Plat Book 2, Page 5; Lots 1 Through 10 and Lot 13 (A.K.A. Wiggins St.), Of E.M. Thorpe's Subdivision, Recorded In Plat Book 2, Page 60; Of The Public Records Of Manatee County, Florida.

Beginning At The Northwest Corner Of D.M. Dowdell Lot of Said Davis-Manatee Co's Subdivision; Thence Along The North Boundary Of Said D.M. Dowdell Lot S.89°02'55"E., A Distance Of 426.07 Feet; Thence Along A Meander Line Common To The West Boundary Of Lots 24 Through 27, Of Addition To Plat of Paradise Farm W.F. Tallant, Recorded in Plat Book 2, Page 85, Of The Public Records Of Manatee County, Florida, The Following Four Calls, S.04°52'04"E., A Distance Of 113.42 Feet; Thence S.31°07'04"E., A Distance Of 117.83 Feet; Thence S.44°30'22"E., A Distance Of 86.06 Feet; Thence S.20°14'12"E., A Distance Of 176.50 Feet To A Point On The North Right-Of-Way Line Of Manatee Avenue; Thence Along Said North Right-Of-Way Line N.88°25'41"W., A Distance Of 519.78 Feet To The Southwest Corner Of Lot 10 Of Said E.M. Thorpe's Subdivision; Thence N.01°11'49"E., A Distance Of 113.09 Feet To The Northwest Corner Of Said Lot 10; Thence N.88°44'56"W., A Distance Of 106.36 Feet To The Southwest Corner Of Lot 1 Of Said E.M. Thorpe's Subdivision; Thence N.01°00'53"E., A Distance Of 318.35 Feet To The Point Of Beginning.

TOGETHER WITH:

LOT 16, Davis - Manatee CO's Subdivision, as per Plat thereof, recorded in Plat Book 2, Page 5, of the public records of Manatee County, Florida.

All interested persons and parties may appear either in person or submit written comments regarding the above matter, and they will be heard and considered. Copies of the proposed amendments are on file at the City of Bradenton City Hall and may be reviewed by the public between the hours of 9:00 a.m. to 5:00 p.m. Monday through Thursday, exclusive of holidays. Further information may be obtained from Christopher M. Gratz, AICP, Development Services & Zoning Manager, Planning and Community Development Department, 101 Old Main Street, Bradenton, Florida, 34205 or by calling (941) 932-9400.

Be advised that, in accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the City Clerk Office of the City of Bradenton, 101 Old Main Street, Bradenton, Florida 34205, telephone (941) 932-9447, not later than seven (7) days prior to the proceeding.

Karen Aihara, Executive Planning Administrator

