

ORDINANCE 24-32 / PA-24-02
KMF AFFORDABLE
SMALL-SCALE COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT
PLN2401-0120

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 A PRIVATELY-INITIATED, SMALL SCALE MAP AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT TO DESIGNATE SPECIFIC REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF PROSPECT ROAD AND SAUNDERS ROAD (63RD AVENUE EAST), AT 6350 PROSPECT ROAD AND 6480 PROSPECT ROAD, SARASOTA, FL (MANATEE COUNTY) FROM RES-6 (RESIDENTIAL – 6 DU/GA) TO THE RES-9 (RESIDENTIAL – 9 DU/GA) FUTURE LAND USE CLASSIFICATIONS, TOTALING 18.3± ACRES; PROVIDING FOR A SPECIFIC AREA POLICY IN THE TEXT OF ELEMENT 2, FUTURE LAND USE ELEMENT, POLICY 2.14.1.27 / D.5.27. REGARDLESS OF ANY ESTABLISHED LAND USE EQUIVALENCY MATRIX (LUEM) OR DENSITY BONUSES, THE PROJECT SHALL BE LIMITED TO A MAXIMUM OF 256 DWELLING UNITS AND SHALL ONLY BE DEVELOPED FOR RESIDENTIAL USES. FURTHERMORE, THE APPLICANT SHALL ENTER INTO A LAND USE RESTRICTION AGREEMENT REGARDING THE PROVISION OF AFFORDABLE HOUSING UNITS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County:

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 Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. 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.
2. The application is for a Privately-Initiated Comprehensive Plan Map Amendment to the Future Land Use Map Series of the Future Land Use Element to change the Future Land Use Classification for specific real property from the RES-6 (Residential – 6 dwelling unit/acre) Future Land Use Classifications to the RES-9 (Residential - 9 dwelling units/acre) Future Land Use Classifications; totaling 18.3± acres.

3. The proposed Privately-Initiated Comprehensive Plan Map Amendment encompasses less than 50-acres and is not considered a large-scale plan amendment under Section 163.3187(1)(a) and (1)(c), Florida Statutes, and must therefore be reviewed as a small-scale plan amendment.
4. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code, as the Local Planning Agency of the County.
5. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.
6. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.
7. On April 11, 2024, 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.
8. The Board of County Commissioners held duly noticed and advertised public hearings on October 15, 2024, and October 17, 2024, to receive public comments and consider the recommendation of the Planning Commission as to the Comprehensive Plan Map Amendment.
9. The adoption of the Comprehensive Plan Map Amendment will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly, and progressive development of Manatee County and thus will serve a valid public purpose.
10. 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 (202 3), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

Section 3. 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 the RES-6 (Residential – 6 dwelling unit/acre) Future Land Use Classification to the RES-9 (Residential - 9 dwelling units/acre) Future Land Use Classification (18.3± 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 4. Future Land Use Element Amendment: The Manatee County Comprehensive Plan, Element 2 – Future Land Policy 2.14.1.27 is hereby amended to read in strikethrough / underline format:

[Policy 2.14.1.27: D.5.27 / Ordinance No. 24-32 / KMF Affordable. Regardless of any established Land Use Equivalency Matrix \(LUEM\) or Density Bonuses, the project shall be limited to a maximum of 256 dwelling units and shall only be developed for residential uses. Furthermore, the applicant shall enter into a Land Use Restriction Agreement regarding the provision of affordable housing units.](#)

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, CivicPlus, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive Plan.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 17th day of October 2024.

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

By: _____
Chairperson

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

By: _____
Deputy Clerk

Exhibit "A" LEGAL DESCRIPTION

PARCEL "A" (8.152 Acres):

A PARCEL OF LAND, SITUATED IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 63RD AVENUE EAST AND THE WEST RIGHT-OF-WAY LINE OF PROSPECT RD., AS DESCRIBED IN OFFICIAL RECORDS BOOK 715, PAGE 147; THENCE N89°36'38"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 298.42 FEET; THENCE S00°24'32"W, 4.86 FEET; THENCE N89°35'07"W, 85.59 FEET TO THE EAST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1764, PAGE 4490; THENCE S00°23'18"W, ALONG SAID EAST LINE, A DISTANCE OF 190.19 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE N89°36'42"W, ALONG SAID SOUTH LINE, A DISTANCE OF 175.95 FEET TO THE CENTERLINE OF PEARCE DRAIN AS DESCRIBED IN OFFICIAL RECORDS BOOK 715, PAGE 129; THENCE S11°57'21"W, ALONG SAID CENTERLINE, A DISTANCE OF 471.29 FEET; THENCE S89°34'28"E, 663.34 FEET TO THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF PROSPECT ROAD; THENCE N00°23'07"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 657.21 FEET TO THE POINT OF BEGINNING. LESS & EXCEPT ADDITIONAL RIGHT-OF-WAY FOR PROSPECT ROAD AND 63RD AVENUE EAST (SAUNDERS ROAD).

And PARCEL "B" (10.152 Acres):

A PARCEL OF LAND, SITUATED IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 63rd AVENUE EAST AND THE WEST RIGHT-OF-WAY LINE OF PROSPECT ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 715, PAGE 147, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S00°23'07"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 657.21 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S00°23'07"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 623.17 FEET TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 20 (ALSO BEING THE NORTH LINE OF CENTER LAKE SUBDIVISION, AS RECORDED IN PLAT BOOK 23, PAGE 69, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE N89°34'28"W, ALONG SAID SOUTH LINE, A DISTANCE OF 734.09 FEET TO THE CENTERLINE OF PEARCE DRAIN, AS DESCRIBED IN OFFICIAL RECORD BOOK 715, PAGE 129, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N04°27'16"E, ALONG SAID CENTERLINE, A DISTANCE OF 489.25 FEET, THENCE N11°57'21"E, ALONG SAID CENTERLINE, A DISTANCE OF 137.85 FEET; THENCE S89°34'28"E, 663.34 FEET TO THE POINT OF BEGINNING.

Total Area = 18.304 Acres

Exhibit “B”

