

ORDINANCE NO. 24-41 / PA-24-03
MOCCASIN WALLOW TOWNHOMES
SMALL-SCALE COMPREHENSIVE PLAN MAP AMENDMENT
PLN2311-0117

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 ON APPROXIMATELY 12.68± ACRES OF SPECIFIC REAL PROPERTY GENERALLY LOCATED 660 FEET WEST OF THE INTERSECTION OF MOCCASIN WALLOW ROAD (97TH STREET EAST) AND ELLENTON GILLETTE ROAD (CR 683), AND COMMONLY KNOWN AS 3105 MOCCASIN WALLOW ROAD, PALMETTO, FL (MANATEE COUNTY), FROM RES-6 (RESIDENTIAL-6) TO THE RES-9 (RESIDENTIAL-9) FUTURE LAND USE CLASSIFICATION; 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 on 12.68± acres from RES-6 (Residential-6) to the RES-9 (Residential – 9) Future Land Use Classification.
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 October 31, 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 a duly noticed and advertised public hearing on November 7, 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 (2023), 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 on 12.68± acres from the RES-6 (Residential–6) to the RES-9 (Residential–9) Future Land Use Classification, 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. 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 5. 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 6. 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 7th day of November 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

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 30 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING; THENCE S.89°33'59"E, A DISTANCE OF 660.11 FEET; THENCE S.01°08'20"W, A DISTANCE OF 923.93 FEET; THENCE N.89°33'59"W, A DISTANCE OF 659.81 FEET, THENCE N.01°07'15"E, A DISTANCE OF 923.93 FEET, TO THE POINT OF BEGINNING.

LYING AND BEING SITUATE IN MANATEE COUNTY, FLORIDA.

LESS AND EXCEPT: THE LAND CONTAINED IN THE CORRECTIVE WARRANTY DEED RECORDED MAY 26, 2021 IN OFFICIAL RECORDS INSTRUMENT NUMBER 202141070258, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, S.01°06'47"W., A DISTANCE OF 29.76 FEET TO A POINT ON THE MAINTAINED RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD PER SECTION MAP 13100-2503 AND A POINT OF BEGINNING; THENCE ALONG SAID MAINTAINED RIGHT-OF-WAY LINE, N.89°53'43"E., A DISTANCE OF 82.76 FEET; THENCE S.89°34'49"E., A DISTANCE OF 577.30 FEET; THENCE DEPARTING SAID MAINTAINED RIGHT-OF-WAY LINE, S.01°06'47"W., A DISTANCE OF 31.62 FEET; THENCE S.77°02'53"W., A DISTANCE OF 47.49 FEET TO A POINT OF NON-TANGENT CURVATURE OF A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 5848.31 FEET; THENCE WESTERLY (CHORD S.87°24'59". 301.19') ALONG THE ARC OF SAID CURVE, A DISTANCE OF 301.22 FEET TO A POINT OF NON-TANGENT CURVATURE OF A REVERSE CURVE CONCAVE NORTHERLY WITH A RADIUS OF 6072.00'; THENCE WESTERLY (CHORD S.87°26'12"W. 314.02') ALONG THE ARC OF SAID CURVE, A DISTANCE OF 314.06 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE ALONG SAID WEST LINE, N.01°06'47"E., A DISTANCE OF 73.97 FEET TO THE POINT OF BEGINNING.

CONTAINING A DESCRIBED AREA OF 37,748 SQUARE FEET OR 0.867 ACRES MORE OR LESS.

CONTAINING 12.683 ACRES, MORE OR LESS.

Exhibit "B" MAP AMENDMENT

