

ORDINANCE NO. 06-92

FILED FOR RECORD  
R. B. SHORE

2006 DEC 28 AM 9: 59

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

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; ; RESCINDING THAT PORTION OF ORDINANCE NO. 06-06 APPLICABLE TO THE 8.87± ACRE PARCEL LOCATED AT 104 WOODSTOCK ROAD (ID# 558010153); RETAINING THE CON (CONSERVATION) FUTURE LAND-USE CLASSIFICATION AND OVERLAYS AS APPROPRIATE; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE. (TOTAL ± 8.87 ACRES)

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2006 DEC 19 AM 9: 42

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, Manatee County adopted Comprehensive Plan Amendment No. 06-06 ("Plan Amendment") by Ordinance No. 06-06 on August 17, 2006; and

WHEREAS, the Plan Amendment proposed to amend the Future Land-Use Map from CON (Conservation) and R/OS (Recreation/Open Space) to AG/R (Agriculture/Rural) and UF-3 (Urban Fringe - 3) for privately owned land throughout Manatee County consisting of a total ±183 acres; and

WHEREAS, the Department of Community Affairs issued its Statement and Notice of Intent regarding the Plan Amendment on October 2, 2006; and

WHEREAS, the Statement of Intent of the Department of Community Affairs concluded that a portion of the Plan Amendment was not "in compliance" consisting of an 8.87± acre parcel located at 104 Woodstock Road which was redesignated from the Conservation (CON) Future Land Use Category to the Urban Fringe-3 (UF - 3) Future Land-Use Category by Plan Amendment No. 06-06; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, the Department of Community Affairs has initiated a formal administrative proceeding challenging the Plan Amendment; and

WHEREAS, the Department of Community Affairs and Manatee County have jointly requested that the Administrative Law Judge hold the pending administrative matter in abeyance; and

29

**WHEREAS**, it is further the intent of the Board of County Commissioners to rescind that portion of Ordinance No. 06-06 applicable to the 8.87± acre parcel located at 104 Woodstock Road (Property ID# 558010153); and

**WHEREAS**, after due public notice, the Board of County Commissioners of Manatee County on December 12, 2006 held a public hearing to adopt proposed Ordinance 06-92; and

**WHEREAS**, the Board of County Commissioners further considered all oral and written comments received during said public hearing, including appropriate changes to technical support documents as needed and the Statement of Intent 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 of an error in adopted Ordinance No. 06-06 in regard to the 8.87 acre parcel located at 104 Woodstock Road has been demonstrated by the County staff; and

**WHEREAS**, in the exercise of said authority, the Board of County Commissioners of Manatee County has determined it is necessary and desirable to adopt this ordinance to rescind that portion of Ordinance No. 06-06 pertaining to the 8.87 acre parcel located at 104 Woodstock Road, 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 in Manatee County; and

**WHEREAS**, all applicable requirements of general law and local law have been followed and the proceedings have been conducted pursuant to the Act and the plan format in the Administrative Section of the Manatee County Comprehensive Plan.

**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 Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in 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, it has been determined that the Future Land-Use Map designation for the property adopted in Ordinance No. 06-06 is no longer appropriate and should be rescinded as described in Section 3 below and Exhibit A attached hereto.

Section 3. Rescission of Ordinance 06-06 in part: The Board of County Commissioners expressly rescinds that portion of Ordinance No. 06-06 previously adopted on August 17, 2006 applicable to the 8.87± acre parcel located at 104

Woodstock Road (Property ID# 558010153). The remainder of Ordinance No. 06-06 remains in full force and effect. Therefore, the 8.87 acre parcel located at 104 Woodstock Road shall retain the CON (Conservation) Future Land-Use Classification.

Section 4. Repeal of Ordinances in Conflict: Any ordinances in conflict herewith are repealed to the extent of such conflict.

Section 5. 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.

Section 6. 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, whichever occurs first.

**PASSED AND DULY ADOPTED**, in open session with a quorum present and voting this 10<sup>th</sup> day of December 2006.

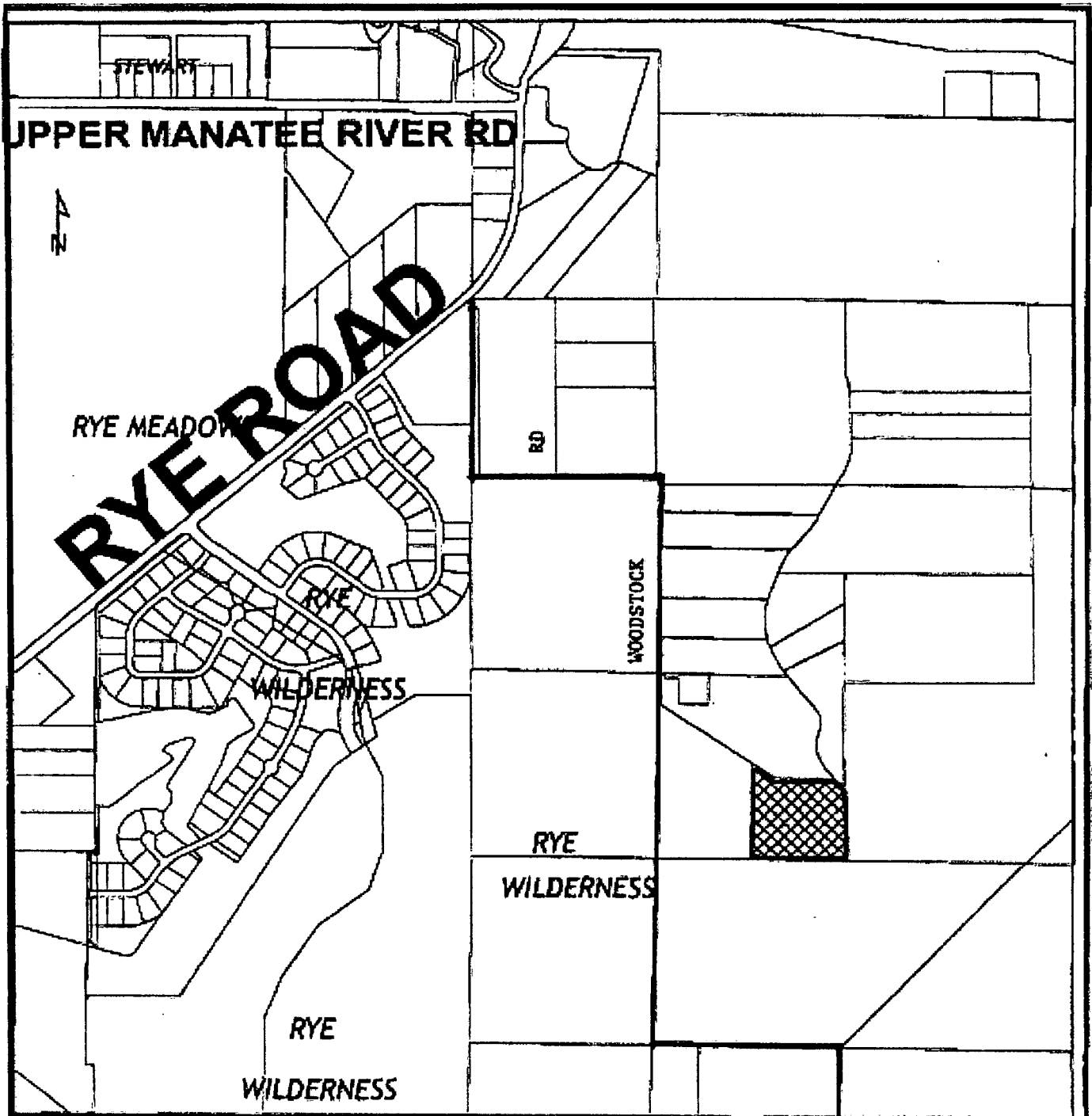
BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Joe McClash  
Chairman

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

By: [Signature]  
Deputy Clerk





Doc ID #(s) PA-06-06 WOOSTOCK-RYE RD

**Woodstock & North Rye Road Parcels**

	FLUC	Proposed FLUC	Zoning	Acres	Owner	Address
1	CON	UF-3	A	1.38	Wilderness Bend, LLC	724 Woodstock Road
2	CON	UF-3	A	1.00	X23	253 Woodstock Road
3	CON	UF-3	A	8.87	Rodney Potter	104 Woodstock Road
4	R/OS	UF-3	A	1.50	John Falkner	N. Rye Rd/22455 CR 675
5	CON	UF-3	A/CON/CH	5.25	Lester Williams	950 N. Rye Road
6	CON	UF-3	CON	0.17	Lester Williams	950 N. Rye Road
<b>TOTAL ACRES</b>				<b>18.17</b>		

\* Parcel #3 consists of the subject 8.87± acre parcel found in non-compliance by the Department of Community Affairs.

Extract of Ordinance No. 06-06 adopted by Manatee County on August 17, 2006.



STATE OF FLORIDA  
DEPARTMENT OF STATE  
STATE LIBRARY AND ARCHIVES OF FLORIDA

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CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA  
SUE M. COBBA

Secretary of State

JEB BUSH  
Governor

December 19, 2006

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attn: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 15, 2006, and certified copies of Manatee County Ordinance Nos. PDMU-05-09(Z)(P) and 06-92, which were filed in this office on December 19, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/cga  
Enclosure

DIRECTOR'S OFFICE

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