

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-04

2008 AUG -8 AM 10: 18

CLERK OF THE COUNTY
MANATEE COUNTY FLORIDA

AN ORDINANCE 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 AN AMENDMENT TO THE FUTURE LAND USE MAP FROM UF-3 (URBAN FRINGE) TO DWELLING UNITS/GROSS ACRE) TO THE OM (OFFICE MEDIUM) FUTURE LAND USE CLASSIFICATION FOR LAND LOCATED AT 5111 OXFORD RD; CONSISTING OF 19.49 ± ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2008 AUG -4 AM 9: 44

FILED

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, (the "Act") empowers and requires the County (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 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, Application PA-08-04 is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element of the Manatee County Comprehensive Plan, consistent with Chapter 163, Part II, and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, as established by Ordinance 90-01, considered an amendment to the Manatee County Comprehensive Plan as described in Application Pa-08-04 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 for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan provided herein, have been met or exceeded; and

WHEREAS, on February 14, 2008, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to transmit 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 on March 25, 2008, to consider the transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Sec. 163.3184, F.S.; and

WHEREAS, the State Land Planning Agency by letter dated June 6, 2008 transmitted their Statement of No Objections, Recommendations and Comments Report said amendment to the comprehensive plan; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on July 29, 2008, the Board of County Commissioners of Manatee County, Florida held another public hearing, with due public notice having been provided, to consider adoption of said the proposed amendment to 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 Statement of No Objections, Recommendations and Comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163, Part II; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the 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 the Act, and the Plan Format and Administration 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 the 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 the proposed map amendment to the Future Land Use Element, sought to be amended are no longer in the best interest of the public and should be amended as described in Section 3 below.

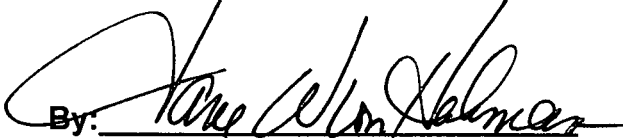
Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, Future Land Use Map of the Future Land Use Element is hereby amended to change the Future Land Use Classification of the property depicted on Exhibit A hereto which is incorporated herein by reference from UF-3 (Urban Fringe-3 dwelling units per acre) to OM (Office Medium) Future Land Use Classification. Said property being legally described in Exhibit B a copy of which is attached hereto and made a part of by reference.

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 deemed 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 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 if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing 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 29th day of July, 2008.

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

By: 

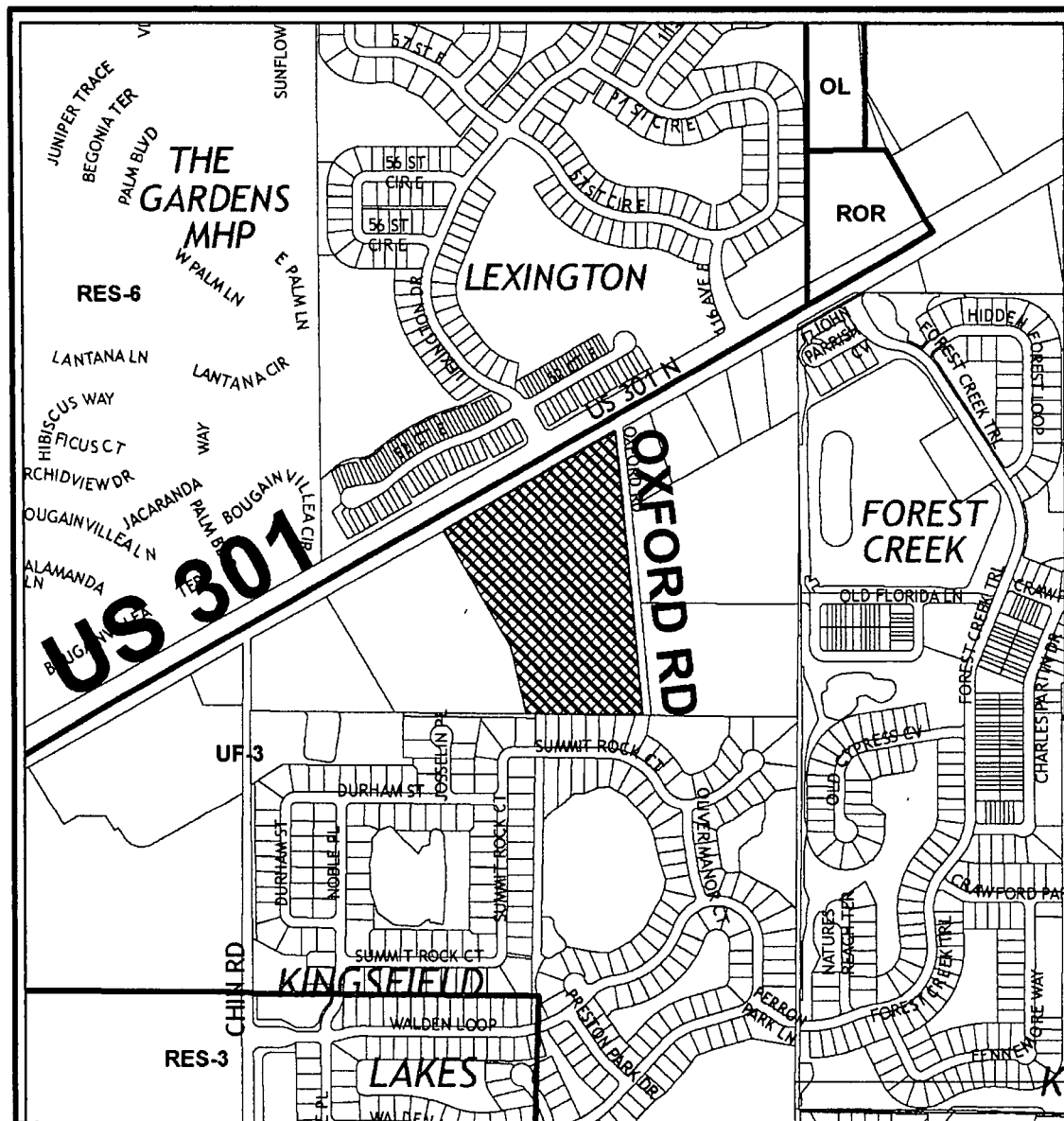
**Jane von Hahmann
Chairman**



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

By: 
Deputy Clerk

Exhibit A



Tax ID #(s) 471500058

Project Number: PA-08-04 ORD-08-04
 Proposed Use: N/A
 Proposed FLU: OM (CONTINGENT UPON APPROVAL OF PA-08-03)

Requested by: 301 OXFORD LLP
 Flood Zone: X
 Floodway: N
 FIRM: 215_C
 Evac Zone: NONE
 Commissioner: Amy Stein
 Map Prepared: 8/9/2007 1:31:50 PM

Existing Zoning: A/NCO, A-1/NCO
 Existing FLUC: UF-3
 Acreage: 19.49
 Watershed: NONE
 Overlays: NCO
 Special Areas: NONE
 Impact District: NE-E
 CHH: NONE
 Fire District: Parrish
 AFHD: SUBURBAN-E
 Sec Twn Rng: Sec 31 Twn 33 Rng 19
 Drain Basin: MIDDLE MANATEE R

Manatee County
 Future Land Use
 Staff Report Map
 1 inch equals 656 feet

Exhibit B

Legal Description

Begin at the Southwest corner of the Southeast 1/4 of Section 31, Township 33 South, Range 19 East, Manatee County, Florida; Thence S89°21'00"E, along the south line of said Section 31, a distance of 510.23 feet to the westerly right-of-way line of Oxford Road, a 40.0 foot wide county road; thence N05°23'28"W, along said westerly line, a distance of 1,019.46 feet; thence N04°13'08"W, along said westerly line, a distance of 414.21 feet to the southerly right-of-way line of U.S. Highway #301; thence S60°17'33"W, along said southerly right-of-way line, a distance of 975.49 feet; thence S29°42'28"E, 641.63 feet; thence S20°51'22"E, 408.29 feet to the POINT OF BEGINNING. Containing 19.49 acres, more or less.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 30th day of

July, 2008.

R.B. SHORE
Clerk of Circuit Court

By: Diane E. Volmer



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2008 AUG -8 AM 10:18

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

August 4, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 30, 2008 and certified copy of Manatee County Ordinance Nos. 08-03, 08-04, 08-06, 08-09, 08-10, 08-11 and 08-36, which were filed in this office on August 4, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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