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R. B. SHORE

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ORDINANCE NO. 08-64

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; AND PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP FROM IH (INDUSTRIAL - HEAVY) TO MU (MIXED USE) FOR A PARCEL LOCATED AT 3407 81ST CT E., CONSISTING OF +/- 5 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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MANATEE COUNTY, FLORIDA

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WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, of the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"), empowers and requires Board of County Commissioner of Manatee 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, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency as established by ORD. 90-01, considered an amendment to the Manatee County Comprehensive Plan, altering the Future Land Use Map in the Future Land Use Element, as provided in the title of this Ordinance, 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 7/24/08 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; and

WHEREAS, on 8/07/08, 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 to consider the amendment and adopted the proposed amendment in accordance with Sections 163.3184 Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because of a change in circumstance in the adopted plan has been demonstrated by the County as the applicant; and

WHEREAS, the land uses authorized pursuant to the proposed plan amendment have been found by the Board of County Commissioners to be more compatible with surrounding land uses in the area than is the current IH (INDUSTRIAL - HEAVY) land use; and found to be consistent with the goals, objectives, and policies of the comprehensive plan and the technical support document for general location of future land use categories; 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, 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; and

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

Section 2. Findings: The recitals set forth 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 existing Future Land Use Map designation for the property subject to the amendment is no longer appropriate and should be amended as described in Section 3 below.

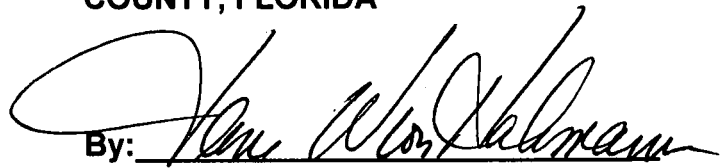
Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property, described on Exhibit "A" hereto, which is incorporated herein by reference, from IH (Industrial – Heavy) to MU (Mixed Use). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County's Comprehensive Plan pursuant to Ordinance No. 89-01, as amended.

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 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: The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged within 31 days after adoption, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, respectfully finding the amendment in compliance with the Act.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 7th day of August, 2008.

BOARD OF COUNTY
COMMISSIONERS OF MANATEE
COUNTY, FLORIDA

By: 
Chairman

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

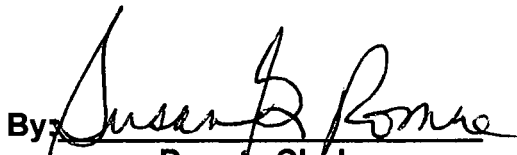
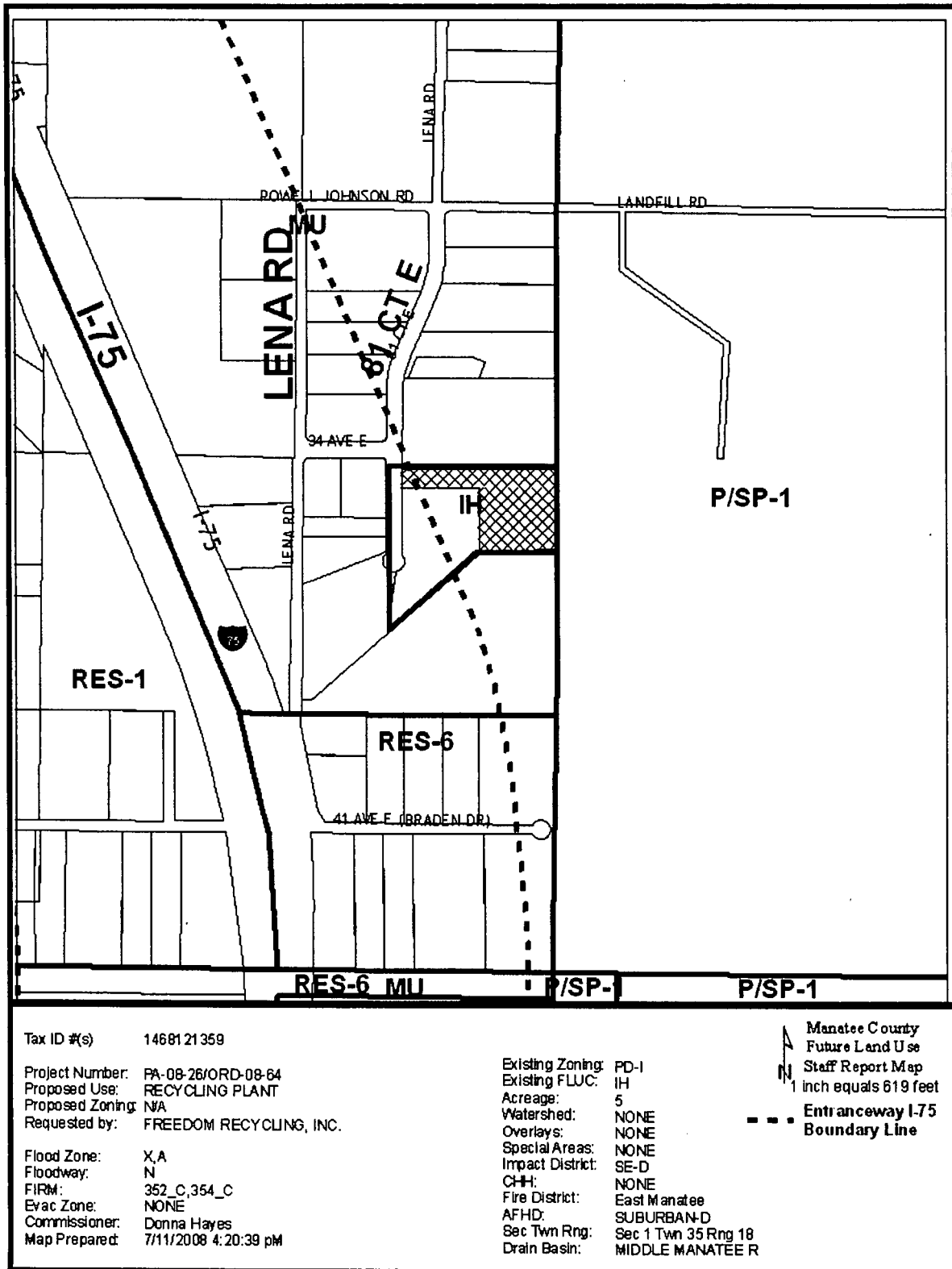
By: 
Deputy Clerk



Exhibit A



Legal Description

LOT 6 OF LENA BUSINESS PARK, A SUBDIVISION, AS RECORDED IN PLAT BOOK 39, PAGES 116 THRU 119, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



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 15th day of August, 2008

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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Governor

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KURT S. BROWNING
Secretary of State

August 20, 2008

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BOARD RECORDS

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 August 15, 2008 and certified copies of Manatee County Ordinance Nos. 08-58, PDMU-07-23(Z)(P), Z-07-12, 08-64, PDC-05-48(Z)(P), PDPI-03-21(Z)(G)(R), PDMU-91-01(G)(R4), PDMU-92-01(Z)(G)(R12) and 08-16, which were filed in this office on August 20, 2008.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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