

**MANATEE COUNTY ZONING ORDINANCE  
Z-14-09 – MOSAIC FERTILIZER, LLC – WINGATE EAST (DTS # 20140547)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 3,595.99 ACRES LOCATED ON THE EAST SIDE OF THE WINGATE CREEK MINE AND WINGATE EXTENSION, SOUTH OF DUETTE PARK, AND NORTH OF SR 64, EXTENDING TO THE MANATEE-HARDEE COUNTY LINE, IN DUETTE FROM THE A (GENERAL AGRICULTURE) TO THE EX (EXTRACTION) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Mosaic Fertilizer, LLC (the “Applicant”) filed an application to rezone approximately 3,595.99 acres described in Exhibit “A”, attached hereto, (the “Property”) from the A (General Agriculture) to the EX (Extraction) zoning district; and

**WHEREAS**, the Building and Development Services staff has recommended approval of the rezone, as described in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on August 18, 2016 to consider the rezone, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the rezone consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:**

**Section 1. FINDINGS OF FACT.** The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of the County, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance from the A (General Agriculture) to the EX (Extraction) zoning district.

B. The Board of County Commissioners, after due public notice, held public hearings on January 26, 30 and February 15, 2017 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 15-17 (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan) and to satisfy the criteria for approval in the Land Development Code

**Section 2. AMENDMENT OF THE OFFICIAL ZONING ATLAS.** The Official Zoning Atlas of Manatee County, Ordinance No. 15-17, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property described in Exhibit “A”, incorporated by reference herein, from the A (General Agriculture) to the EX (Extraction) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services, are hereby instructed to cause such amendment to the Official Zoning Atlas.

**Section 3. 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 section, sentence, clause, or provision shall be deemed severable, and 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 4. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

**Section 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 15<sup>th</sup> day of February, 2017.

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

BY: \_\_\_\_\_  
**Betsy Benac, Chairman**

**ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT  
COURT AND COMPTROLLER**

BY: \_\_\_\_\_  
**Deputy Clerk**

## Exhibit "A"

### Legal Description

#### Wingate East ReZone Boundary Legal Description

A portion of Township 34 South, Range 22 East, Manatee County, Florida, described as follows:

Section 13: The South half of the Southwest quarter of the Southeast quarter and the South half of the Southeast quarter of the Southwest quarter.

Section 22: ALL:

LESS & EXCEPT the following described parcels:

a.) Commence at the NW Corner of Section 22; thence S00°17'11"W along the west boundary of said Section 22, 3194.43 feet to the POINT OF BEGINNING; thence N67°57'51"E 812.83 feet; thence N30°32'26"E 1992.42 feet; thence East 177.35 feet; thence S50°17'46"E 466.50 feet; thence N59°17'02"E 72.82 feet; thence N27°39'15"E 75.37 feet; thence N48°57'39"E 175.67 feet; thence S76°43'18"E 397.37 feet; thence S74°57'41"E 211.82 feet; thence S65°45'33"E 378.29 feet; thence S14°59'59"E 359.53 feet; thence S37°00'04"E 181.88 feet; thence S07°15'34"W 217.66 feet; thence S03°30'50"E 179.87 feet; thence S27°09'56"E 326.29 feet; thence South 195.14 feet; thence S01°45'59"E 226.63 feet; thence S03°13'42"E 285.77 feet; thence S09°02'23"E 89.18 feet; thence S47°36'08"E 51.36 feet; thence N88°33'44"E 24.84 feet; thence S00°27'27"W 224.29 feet; thence S07°12'12"W 31.21 feet; thence S49°53'18"W 43.34 feet; thence S18°13'40"E 28.77 feet; thence S34°37'12"W 90.72 feet; thence S79°51'38"W 140.57 feet; thence N82°16'41"W 86.79 feet; thence S09°34'39"W 35.52 feet; thence N89°03'11"W 194.98 feet; thence N27°33'36"E 16.31 feet; thence N39°45'06"W 178.94 feet; thence S53°03'18"W 63.27 feet; thence S66°22'45"W 69.02 feet; thence S31°53'58"W 62.44 feet; thence S79°20'28"W 89.85 feet; thence S49°39'03"W 88.19 feet; thence West 172.39 feet; thence N38°31'14"W 129.96 feet; thence N67°47'14"W 115.00 feet; thence S87°38'42"W 21.14 feet; thence S02°58'35"E 103.56 feet; thence S06°38'49"E 389.70 feet; thence S66°53'11"E 181.99 feet; thence S00°24'02"W 843.01 feet to a point on the south boundary of section 22; thence N89°04'35"W along said south boundary 2829.21 feet to the southwest corner thereof; thence N00°17'11"E along the west boundary of Section 22, 2052.10 feet to the POINT OF BEGINNING.

AND

b.) Commence at the SE corner of Section 22; thence N89°04'35"W along the south boundary of said section 291.80 feet to the POINT OF BEGINNING. Thence continue N89°04'35"W along said south boundary 1425.03 feet; thence N00°24'02"E 725.48 feet; thence N15°19'46"E 67.82 feet; thence S74°56'08"E 36.37 feet; thence N62°27'18"E

81.32 feet; thence N32°54'22"E 63.24 feet; thence N00°39'46"W 39.30 feet; thence S89°35'58"E 295.55 feet; thence S00°27'27"W 90.40 feet; thence S37°11'51"W 51.55 feet; thence S22°12'14"E 177.66 feet; thence S53°20'16"E 111.19 feet; thence S50°32'43"E 178.50 feet; thence S67°14'48"E 261.42 feet; thence N72°24'32"E 221.71 feet; thence S43°07'48"E 145.21 feet; thence S32°23'41"E 235.68 feet; thence S11°59'19"E 120.11 feet to the POINT OF BEGINNING.

AND

c.) Commence at the NW corner of said section, thence S 00°17'09" W along the west boundary thereof 2,831.57 feet; thence continue S 00°17'13" W along said west boundary 65.62 feet to the POINT OF BEGINNING. Thence N 67°57'38" E 207.99 feet; thence N 68°01'41"E 398.20 feet; thence N 30°32'26" E 2,597.22 feet; thence S 88°58'59" E 344.76 feet; thence S 30°32'26" W 2,859.56 feet; thence S 49°15'12" W 16.04 feet; thence S 67°57'57" W 812.81 feet; thence S 69°38'51"W 10.14 feet to a point on the west boundary thereof; thence N 00°17'13" E along said west boundary 323.96 feet to the POINT OF BEGINNING.

AND

d.) LESS The north 400 feet of the east 3,350 feet.

AND

e.) Begin at the NW corner of said Section 22; thence S 00°17'09" W along the west line of said Section 22 a distance of 115.64 feet; thence S 88°40'50" E a distance of 195.71 feet; thence S 87°39'11" E a distance of 467.83 feet; thence N 86°54'46" E a distance of 458.11 feet; thence S 86°30'52" E a distance of 451.08 feet; thence N 86°26'44" E a distance of 300.53 feet to the west line of the east 3,350 feet of said Section 22; thence N 00°30'53" E along said west line a distance of 90.22 feet to the north line of said Section 22; thence N 88°58'59" W along said north line a distance of 1871.27 feet to the Point of Beginning.

Section 23: ALL less Right of Way of Duette Road,

LESS

The north 400 feet.

Section 24: ALL less Right of Way of Duette Road.

Section 25: ALL lying North of Right of Way of McCleod Road less Right of Way of Duette Road.

Section 26: ALL lying Northerly and Westerly of Duette Road and that portion lying North of the Right of Way of McCleod Road and Southeast of the Right of Way of

Duette Road.

Section 27:

- b.) The SW 1/4 LESS the North 965.74 feet.
- c.) The SE 1/4 LESS The West 1266.23 feet of the North 965.74 feet.
- d.) The east 1318.85 feet of the south 500 feet of the S 1/2 of the NE 1/4.
- e.) The east 654.10 feet of the west 883.20 feet of the north 668.72 feet of the N 1/2 of the NE 1/4 and that part of the N 1/2 of the NE 1/4 being more particularly described as follows:

BEGIN at the NE corner of section 27; thence S00°32'17"W along the east boundary of the N ½ of the NE ¼ 1218.85 feet; thence N37°39'38"W 54.50 feet; thence N27°36'17"W 151.46 feet; thence N18°35'37"W 317.60 feet; thence N08°20'09"W 234.18 feet; thence N04°39'47"W 248.50 feet; thence N81°26'25"W 168.16' feet; thence N79°22'15"E 191.76 feet; thence N11°59'19"W 209.92 feet to a point on the north boundary of section 27; thence S89°04'35"E 291.80 feet to the POINT OF BEGINNING.

Section 34: All.