

FILED FOR RECORD
R. B. SHORE

2006 NOV 20 PM 2:55

**MANATEE COUNTY ZONING ORDINANCE
PDR-04-52(Z) – RIGGS NATIONAL PROPERTY CO., LLC II
AND LLC III/FORREST CREEK EAST**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 41.64 ACRES GENERALLY LOCATED AT 4802 RED ROOSTER ROAD, PARRISH FROM THE A/NCO (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES/RETAINING THE NORTH CENTRAL OVERLAY), ZONING DISTRICT TO THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY) ZONING DISTRICT, SUBJECT TO A STIPULATION AS A CONDITION OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Riggs National Property Co., LLC II and LLC III (the "Applicant") has filed a rezone application to rezone approximately 41.64 acres described in Exhibit "A", attached hereto, (the "Property") from the A/NCO (General Agriculture, 1 dwelling unit per 5 acres/North Central Overlay) zoning district to the PDR/NCO (Planned Development Residential, retaining the North Central Overlay) zoning district; and

WHEREAS, the Applicant has also filed a preliminary site plan application to allow 105 lots for single-family detached residences (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for Special Approval for a density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category, and

WHEREAS, the Applicant has also filed a request for Specific Approval for alternatives to Sections 907.9.3.1 and 907.9.2.1 of the Land Development Code, and

WHEREAS, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, subject to the stipulations contained in the Planning Staff report; and,

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on November 10, 2005, December 8, 2005, January 12, 2006, February 9, 2006, March 9, 2006, April 13, 2006, May 11, 2006, and June 8, 2006 to consider the rezone, Preliminary Site Plan, Specific Approval, and Special Approval applications, received the Planning Staff's recommendations 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 and Preliminary Site Plan applications 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, subject to the stipulations contained in the Planning Staff report.

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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 said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, 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/NCO (General Agriculture, 1 dwelling unit per acre/North Central Overlay) zoning district to the PDR/NCO (Planned Development Residential, retaining the North Central Overlay) zoning district.
- B. The Board of County Commissioners held duly noticed public hearings on December 1, 2005, January 5, 2006, March 2, 2006, May 5, 2006, June 1, 2006, August 3, 2006, September 7, 2006, October 5, 2006, November 2, 2006, and November 7, 2006 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said 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 2020 Manatee County Comprehensive Plan.
- D. The Board of County Commissioners has determined that it is inappropriate to grant Preliminary Site Plan approval absent a clear plan for resolution of transportation concerns.
- E. The Board of County Commissioners has determined that a rezoning to Planned Development Residential without plan approval is appropriate.
- F. The rezoning to Planned Development Residential without plan approval conveys no development rights and requires preliminary plan approval by the Board of County Commissioners at a duly noticed public hearing.

Section 2. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the Property identified in Exhibit "A" herein from the A/NCO (General Agriculture, 1 dwelling unit per 5 acres/North Central Overlay) zoning district to the PDR/NCO (Planned Development Residential, retaining the North Central Overlay) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 3. CONDITION OF APPROVAL. Approval of the amendment to the Official Zoning Atlas is subject to the following condition of approval:

1. This approval does not convey any development rights. Prior to development, a Preliminary Site Plan shall be submitted and approved by the Board of County Commissioners at a duly noticed public hearing as required by the Manatee County Land Development Code.

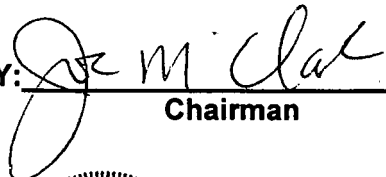
Section 4. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court or competent jurisdiction, such sentence, section, clause, or other such 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 6. 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 7th day of November, 2006.

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

BY: 
Chairman

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

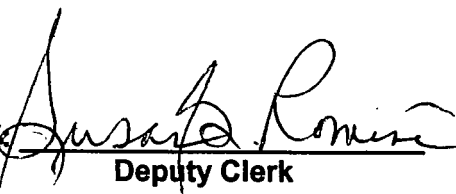
BY: 
Deputy Clerk



EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

OFFICIAL RECORD BOOK 1499, PAGE 5906

THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 19 EAST, LESS AND EXCEPT THE NORTH $\frac{1}{2}$ OF THE PROPERTY DESCRIBED IN DEED RECORDED AT DEED BOOK 317, PAGE 378, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

(FROM DEED BOOK 317, PAGE 378)

THE NORTH $\frac{1}{2}$ OF THE FOLLOWING DESCRIBED PARCEL: THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 19 EAST, AND THE EAST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 19 EAST, ALL IN MANATEE COUNTY, FLORIDA.

LESS:

A PARCEL OF LAND LYING IN THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$; THENCE S $00^{\circ} 18' 43''$ W, ALONG THE EAST LINE OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, A DISTANCE OF 162.14 FEET; THENCE N. $89^{\circ} 23' 41''$ W, A DISTANCE OF 246.74 FEET; THENCE N. $14^{\circ} 48' 06''$ W, A DISTANCE OF 168.18 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$; THENCE S. $89^{\circ} 23' 41''$ E, ALONG SAID NORTH LINE, A DISTANCE OF 290.59 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 43,562 SQUARE FEET OR 1.0000 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 8th day of November, 2006

R.D. CHORE
Clerk of Circuit Court
By: [Signature] D.C.



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

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R. B. SHORE

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

SUE M. COBB
Secretary of State

JEB BUSH
Governor

November 15, 2006

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

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 8, 2006 and certified copies of Manatee County Ordinance Nos. 06-75, PDR-04-52(Z), 06-51, 06-69, 06-70, 06-71 and 06-81,* which were filed in this office on November 13, 2006.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/bpn
Enclosures

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://dls.dos.state.fl.us>

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RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

* Also includes Ordinance 06-76