

**MANATEE COUNTY ZONING ORDINANCE
Z-06-03 – JONES**

FILED FOR RECORD
R. B. SHORE

2006 OCT 26 AM 9:34

A ZONING ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP-E (SUBURBAN AGRICULTURE, WATERSHED PROTECTION EVERS OVERLAY) AND RSF-2/WP-E (RESIDENTIAL SINGLE-FAMILY, 2 DWELLING UNITS PER ACRE, WATERSHED PROTECTION EVERS OVERLAY) ZONING DISTRICTS TO RSF-4.5/WP-E (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE, RETAINING THE WATERSHED PROTECTION EVERS OVERLAY) ZONING DISTRICT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION; AND SETTING FORTH FINDINGS. THE SITE IS AT 4060 AND 4070 TALLEVAST ROAD IN BRADENTON (± 1.42 ACRES).

WHEREAS, Monty Jones (the "Applicant") has filed a rezone application to rezone approximately 1.42 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1/WP-E (Suburban Agriculture, 1 dwelling unit per acre/Evers Watershed Protection Overlay) and RSF-2/WP-E (Residential single-family, 2 dwelling units per acre/Evers Watershed Protection Overlay) zoning districts to the RSF-4.5/WP-E (Residential single-family, 4.5 dwelling units per acre/Evers Watershed Protection Overlay) zoning district; and

WHEREAS, the Planning Staff has recommended approval for the rezone, as described in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 14, 2006 to consider the rezone, received the Planning Staff's 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-1/WP-E (Suburban Agriculture, 1 dwelling unit per acre/Evers Watershed Protection Overlay) and RSF-2/WP-E

(Residential single-family, 2 dwelling units per acre/Evers Watershed Protection Overlay) zoning districts to the RSF-4.5/WP-E (Residential Single-family, 4.5 dwelling units per acre/Evers protection overlay) zoning district.

B. The Board of County Commissioners held a public hearing on October 5, 2006 regarding the 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 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 2020 Manatee County Comprehensive Plan).

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 described in Exhibit "A" incorporated by reference herein from A-1/WP-E (Suburban Agriculture, 1 dwelling unit per acre/Watershed Protection – Evers Overlay) and RSF-2/WP-E (Residential Single-Family, 2 dwelling units per acre/Watershed Protection – Evers Overlay) zoning districts to RSF-4.5/WP-E (Residential Single-Family, 4.5 dwelling units per acre/retaining the Watershed Protection – Evers Overlay District) 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 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 other 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. 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 5th day of October, 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

4060 TALLEVAST RD

THE S 102 FT OF THE FOLLOWING DESC PROPERTY: W1/2 OF E1/2 OF NW1/4 OF NW1/4, LESS S 614.5 FT, ALSO LESS N 25 FT FOR RD & LESS E 27.35 FT; ALSO LESS LAND AS DESC IN OR 1132 P 3497 PI#20437.0015/9

4070 TALLEVAST RD

W1/2 OF E1/2 OF NW1/4 OF NW1/4 OF SEC 33 TWN 35S RNG 18E LESS S 614.5 FT AND THE N 25 FT FOR RD & LESS E 27.35 FT; (DELETE "SAVE AND EXCEPT: ONE ACRE RELEASE PARCEL THE S 290.40 FT OF THE FOLLOWING DESC PARCEL: THE W 1/2 OF THE E 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SEC 33, TWN 35S RNG 18E LESS THE S 614.5 FT THEREOF AND LESS THE E 177.35 FT THEREOF MORE PARTICULARLY DESC AS FOLLOWS: FROM THE NW COR OF THE W 1/2 OF THE E 1/2 (DELETE "OF THE NW 1/4") OF THE NW 1/4 OF THE NW 1/4 OF SEC 33 TWN 35S RNG 18E, RUN S 00 DEG 49 MIN 12 SEC W ALG THE W LN OF SD W 1/2 OF THE E 1/2 A DIST OF 435.24 FT TO THE POB; CONT TH S 00 DEG 49 MIN 12 SEC W A DIST OF 290.40 FT TO A PT LYING 614.50 FT N OF THE S LN OF SD W 1/2 OF E 1/2; TH S 89 DEG 17 MIN 11 SEC E A DIST OF 150.18 FT TO A PT LYING 177.35 FT W OF THE E LN OF SD W 1/2 OF E 1/2; TH N 00 DEG 49 MIN.47 SEC E A DIST OF 290.40 FT; TH N 89 DEG 17 MIN 11 SEC W A DIST OF 150.23 FT TO THE POB LYING AND BEING IN SEC 33 TWN 35 S RNG 18E (1505/4013") LESS ORB 1132 P 3497 DESC AS: THAT PART OF THE W 1/2 OF THE E 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SEC 33, TWN 35S RNG 18E DESC AS: FROM THE NE COR OF SD W 1/2 OF THE E 1/2 OF THE NW 1/4 OF THE NW 1/4, RUN N 89 DEG 17 MIN 17 SEC W ALG THE N LN THEREOF, A DIST OF 27.35 FT; TH S 00 DEG 49 MIN 47 SEC W PARALLEL WITH THE E LN OF SD W 1/2 OF E 1/2 A DIST OF 25 FT TO THE S R/W LN OF TALLEVAST RD FOR A POB; CONT TH S 00 DEG 49 MIN 47 SEC W A DIST OF 700.65 FT TO A PT LYING 614.50 FT N OF THE S LN OF SD W 1/2 OF E 1/2; TH N 89 DEG 17 MIN 11 SEC W PARALLEL WITH SD S LN A DIST OF 300.18 FT TO THE W LN OF AFORESAID W 1/2 OF THE E 1/2; TH N 00 DEG 49 MIN 12 SEC E, ALG SD W LN A DIST OF 290.40 FT; TH S 89 DEG 17 MIN 11 SEC E A DIST OF 150.23 FT; TH N 00 DEG 49 MIN 47 SEC E, PARALLEL WITH AND 177.35FT W OF THE E LN OF AFORESAID W 1/2 OF THE E 1/2, A DIST OF 410.25 FT TO THE S R/W LN OF TALLEVAST RD; TH S 89 DEG 17 MIN 17 SEC E ALG SD R/W LN, A DIST OF 150 FT TO THE POB LYING AND BEING IN SEC 33, TWN 35S RNG 18E; ALSO LESS THE S 102 FT OF THE ABOVE DESC PROPERTY; ALSO LESS RD R/W IN OR 1743 P 5615 DESC AS: A PORTION OF THE NW1/4 OF SEC 33 TWN 35 RNG 18 BEING DESC AS FOLLOWS: COM AT THE NW COR OF SD NW1/4; TH S 89 DEG 17 MIN 24 SEC E ALG THE N LN OF SD NW1/4 A DIST OF 655.10 FT; TH S 00 DEG 47 MIN 39 SEC W A DIST OF 25 FT TO THE EXISTING S R/W LN OF TALLEVAST RD & THE POB; TH S 89 DEG 17 MIN 24 SEC E ALG SD EXISTING S R/W LN A DIST OF 151.98 FT; TH S 00 DEG 48 MIN 59 SEC W A DIST OF 20 FT; TH N 89 DEG 17 MIN 24 SEC W A DIST OF 151.97 FT; TH N 00 DEG 47 MIN 39 SEC E A DIST OF 20 FT TO THE POB PI#20437.0005/9



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 19th day of

October, 2006

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



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

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Governor

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
SUE M. COBB
Secretary of State

October 23, 2006

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 19, 2006 and certified copies of Manatee County Ordinance Nos. PDR-04-44(Z)(P), PDMU-05-46(Z)(P), PDO-05-08(Z)(P), PDMU-99-02(P), Z-06-03 and Z-89-46(G)(R-10), which were filed in this office on October 23, 2006.

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

Sincerely,

Liz Cloud
Program Administrator

LC/bpn
Enclosures

DIRECTOR'S OFFICE

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