

**MANATEE COUNTY ZONING ORDINANCE
Z-06-18 – COX PROPERTIES (DTS #20060390)**

FILED FOR RECORD
R. B. SHORE

2008 SEP 16 AM 7:18

AN 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 APPROXIMATELY 1.76 ACRES AT THE NORTHWEST CORNER OF CORTEZ ROAD AND 28TH STREET WEST AND THE NORTHWEST CORNER OF 43RD AVENUE WEST AND 28TH STREET WEST, FROM RSF-6 (RESIDENTIAL SINGLE-FAMILY, 6 DWELLING UNITS PER ACRE) AND GC (GENERAL COMMERCIAL) TO THE HC (HEAVY COMMERCIAL) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cox Properties (the "Applicant") filed an application to rezone approximately 1.76 acres described in Exhibit "A", attached hereto, (the "Property") from RSF-6 (Residential Single-Family, 6 dwelling units per acre) and GC (General Commercial) to the HC (Heavy Commercial) 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 August 14, 2008 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 RSF-6 (Residential Single-Family, 6 dwelling units per acre) and GC (General Commercial) to the HC (Heavy Commercial) zoning district.

B. The Board of County Commissioners held a public hearing on September 4, 2008, 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 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 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 RSF-6 (Residential Single-Family, 6 dwelling units per acre) and GC (General Commercial) to the HC (Heavy Commercial) 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 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 4th day of September, 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

BEGIN ON THE EAST SIDE OF 28TH STREET WEST AT A POINT 95 FEET SOUTH OF THE NW CORNER OF LOT 10 OF McCOLLUM'S CORNERS, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51, OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA, THENCE SOUTH 116 FEET 6 INCHES; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID LOT 10, 75 FEET, TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 116 FEET 6 INCHES; THENCE WEST 75 FEET TO THE POINT OF BEGINNING.

THE SOUTH 125' OF LOT 10, McCOLLUMS CORNERS, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 51, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LOT 9 LESS THE NORTH 95 FEET, MCCOLLUMS CORNERS AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

THOSE CERTAIN PARCELS OF LAND AS DESCRIBED AND RECORDED IN O.R. BOOK 1339, PAGE 3420, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS, TO-WIT:

NORTH 1/2 OF LOT 11, LESS EAST 94 FEET AND LESS SOUTH 72 FEET McCOLLUMS CORNERS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND

THE S 1/2 OF THE E 1/2 OF LOT 11, McCOLLUMS CORNERS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET MORE OR LESS FOR ROAD RIGHT-OF-WAY. ALSO DESCRIBED AS:

THE S 1/2 OF THE E 1/2 OF LOT 11, McCOLLUMS CORNERS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY.

AND

THE SOUTH 72 FEET OF THE NORTH 1/2 OF LOT 11, LESS THE EAST 94 FEET OF LOT 11, ALSO, THE WEST 1/2 OF THE SOUTH 1/2 OF LOT 11, LESS THE WEST 12 FEET FOR ROAD RIGHT-OF-WAY AND LESS THE SOUTH 50 FEET MORE OR LESS FOR ROAD RIGHT-OF-WAY, ALL AS PER PLAT OF McCOLLUM'S CORNERS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND

A STRIP 94 FEET WIDE OFF THE EAST SIDE OF THE NORTH 1/2 OF LOT 11, McCOLLUM'S CORNERS AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 51, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE FOLLOWING CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN O.R. BOOK 1687, PAGES 5023 AND 5024, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TO-WIT:

COMMENCE AT THE NORTHEAST CORNER OF LOT 11, McCOLLUMS CORNERS SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 51, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE S 00°19'07" E, ALONG THE EAST LINE OF SAID LOT 11, A DISTANCE OF 7.00 FEET; THENCE N 89°51'07" W, PARALLEL WITH THE NORTH LINE OF SAID LOT 11 AND 7.0 FEET SOUTHERLY THEREFROM, A DISTANCE OF 166.46 FEET; THENCE S 73°31'19" W, A DISTANCE OF 22.42 FEET; THENCE S 00°19'07" E, PARALLEL WITH THE EAST LINE OF SAID LOT 11, A DISTANCE OF 54.62 FEET; THENCE N 89°19'07" W, A DISTANCE OF 12.00 FEET; THENCE N 00°19'07" W, A DISTANCE OF 68.00 FEET TO THE NORTH LINE OF SAID LOT 11; THENCE S 89°51'07" E, ALONG SAID NORTH LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 1.76 ACRES +/- IN 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 9th day of September, 2008
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FILED FOR RECORD
R. B. SHORE

2008 SEP 16 AM 7:18

FLORIDA DEPARTMENT of STATE

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

September 11, 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 September 9, 2008 and certified copies of Manatee County Ordinance Nos. Z-06-18, PDR-06-13(P), and PDMU-06-80(G)(R), which were filed in this office on September 11, 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

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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COMMUNITY DEVELOPMENT
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LEGISLATIVE LIBRARY SERVICE
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