

**MANATEE COUNTY ZONING ORDINANCE
Z-08-01 – FOSTER/LEE DTS #20080049**

FILED FOR RECORD
R. B. SHORE

2009 MAY 21 AM 10:22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 82.68 ACRES SOUTH OF WOODLAWN LAKES SUBDIVISION, WEST OF WHITNEY MEADOWS SUBDIVISION, AT LEON DRIVE FROM A-1 (SUBURBAN AGRICULTURE) TO THE RSF-2 (RESIDENTIAL SINGLE-FAMILY 2 DWELLING UNITS PER ACRE) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Foster/Lee (the "Applicant") filed an application to rezone approximately 82.68 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Suburban Agriculture) to the RSF-2 (Residential Single-Family, 2 dwelling units per acre) 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 public hearings on December 11, 2008, January 15, 2009, February 12, 2009, March 12, 2009, and April 9, 2009 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 A-1 (Suburban Agriculture) to the RSF-2 (Residential Single-Family, 2 dwelling units per acre) zoning district.

B. The Board of County Commissioners held public hearings on February 5, 2009, April 2, 2009, and May 7, 2009 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 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. 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 (Suburban Agriculture) to the RSF-2 (Residential Single-Family, 2 dwelling units per acre) 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 7th day of May, 2009.

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

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Susan Shore*
Deputy Clerk

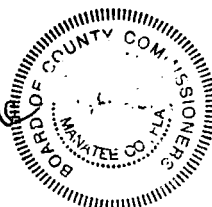


Exhibit "A"

Legal Description

THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LYING AND BEING 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 13TH day of

MAY 2009
R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



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Governor

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2009 MAY 21 AM 10:21

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

May 15, 2009

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

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 13, 2009 and certified copies of Manatee County Ordinance Nos. PDC-08-23 (P), PDC-08-26 (Z) (P), PDMU-09-04 (Z) (G), Z-08-01, 09-17, 09-28, 09-41 and PDR-06-63 (Z) (G), which were filed in this office on May 15, 2009.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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