

FILED FOR RECORD
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE
Z-08-02 – SKY HIGH VENTURES**

2008 DEC 23 AM 10:43

**AN ORDINANCE OF THE COUNTY OF MANATEE, 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 0.80 ACRES AT 3501 U.S. 41
N, PALMETTO FROM NC-M (NEIGHBORHOOD COMMERCIAL
MEDIUM) TO HC (HEAVY COMMERCIAL); SETTING FORTH
FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Sky High Ventures, LLC (the "Applicant") filed a Rezone application to rezone approximately 0.80 acres described in Exhibit A, attached hereto (the "Property"), from NC-M (Neighborhood Commercial-Medium) to HC (Heavy Commercial); and

WHEREAS, the Planning staff recommended approval of 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 November 13, 2008 to consider the rezone, received the Planning 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 application.

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

Section 1. FINDINGS OF FACT. 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, 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 recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

B. 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 NC-M (Neighborhood Commercial-Medium) to the HC (Heavy Commercial) zoning district.

C. The Board of County Commissioners held a public hearing on December 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.

D. 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 classification of the property described in "Exhibit A", incorporated by reference herein, from NC-M to the HC 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 December, 2008.

**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 Blom
Deputy Clerk



Exhibit A.

BOUNDARY SURVEY OF:

BEGINNING 553 FEET NORTH OF THE SE CORNER OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, AS MEASURED ALONG THE EAST LINE OF SAID SECTION; THENCE WEST 65.19 FEET TO A CONCRETE MONUMENT IN THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #19 AND #41 AT THE SE CORNER OF LANDS OF GRANTOR FOR A POINT OF BEGINNING AND FROM SAID POINT OF BEGINNING, RUN S 89°45'18" W, 200 FEET TO AN IRON PIPE; THENCE N 00°18'42" W, 175 FEET TO AN IRON PIPE; THENCE N 89°45'18" E, 200 FEET TO AN IRON PIPE IN SAID LINE OF SAID HIGHWAYS; THENCE WITH SAID LINE OF SAID HIGHWAYS, S 00°18'42" E, 175 FEET TO THE POINT OF BEGINNING, ACCORDING TO PLAT OF SURVEY KARL SQUIRES, ENGINEER, DATED SEPTEMBER 1975. SUBJECT TO EASEMENTS, DEDICATIONS AND RESTRICTIONS OF RECORD.

CONTAINING 35,000 SQUARE FEET (0.80 ACRE).



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

December, 2008

R.B. SHORE
Clerk of Circuit Court

By: Wabi Jessner, Jr.



FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:42

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-27, 08-30, 08-52, 08-60, 08-81, PDR-05-67(Z) (P), PDR-06-73(Z) (P), PDR-08-13(Z) (P), Z-08-02, PDEZ-08-19(Z) (G) (R), PDEZ-08-20(Z) (G), PDEZ-08-21(Z) (G) (R), PDEZ-08-22(Z) (G) (R), PDPI-06-43(Z) (P), , which were filed in this office on December 15, 2008.

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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