

FILED FOR RECORD
R. B. SHORE

2010 SEP 14 PM 1:13

**MANATEE COUNTY ZONING ORDINANCE
Z-10-04 – PALOMINO REZONE DTS#20100136**

CLERK OF THE DISTRICT COURT
MANATEE CO. FLORIDA

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 0.51 ACRES EAST OF THE INTERSECTION OF ELLENTON GILLETTE ROAD AND US 301, WEST OF FRANKLIN AVENUE, AT 3820 NORTH US 301, ELLENTON, FROM RSF-4.5 (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE) TO THE NC-M (NEIGHBORHOOD COMMERCIAL – MEDIUM) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

FILED
2010 SEP -7 10:10:54
MANATEE COUNTY
FLORIDA

WHEREAS, Dr. Celestino Palomino, President, Royal Palm Associates, Inc. (the "Applicant") filed an application to rezone approximately 0.51 acres described in Exhibit "A", attached hereto, (the "Property") from RSF 4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the NC-M (Neighborhood Commercial – Medium) zoning district; and

WHEREAS, the Planning staff has recommended approval of the rezone, as described in the Planning staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on July 8, 2010 and August 12, 2010 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 4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the NC-M (Neighborhood Commercial - Medium) zoning district.

B. The Board of County Commissioners, after due public notice, held public hearings on August 5, 2010 and September 2, 2010 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

D. By the adoption of this Ordinance, the County does not waive its discretion to consider and grant, grant with conditions, or deny any future exemption from the commercial locational criteria that may be requested by the applicant pursuant to Policy 2.2.1.12.4.d. of the 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 RSF 4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the NC-M (Neighborhood Commercial – Medium) 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 2nd day of September, 2010.

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

BY: _____

Donna G. Hayes
Donna G. Hayes, Chairman

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

BY: _____

Russell B. Shore
Deputy Clerk



Exhibit "A"

LEGAL DESCRIPTION

W1/2 OF BEG AT POINT 120 FT N OF INTERSEC OF DIVISION & PINE STS. TH N ON W
SIDE OF PINE ST 110 FT. W TO CENTER OF LARGE DITCH, S 110 FT. E TO POB, ALSO
132 FT E OF MIDDLE OF ELLENTON EASTERN DRAIN WHERE IT INTERSECTS DIVISION
ST. TH N 120 FT. E 63 FT. S 120 FT. W 63 FT TO POB, ALL AS PER PLAT OF ELLENTON
REC IN PB 1 P 133 LESS H/W RW, SUBJ TO F P L EASMT DESC IN ORB 911 P 1567; SUBJ
TO UTY EASMT AS DESC IN OR 1128 P 1301 PRMCF PI#9554.0000/7



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 25 day of

September, 2010

R.B. SHORE
Clerk of Circuit Court

By: Debi L. Shore D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

September 9, 2010

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 2, 2010 and certified copies of Manatee County Ordinance Nos. 10-16, PDR-03-41(P)(R), PDR-10-05(Z)(G), PDMU-10-08(Z), Z-10-04, PDR-04-55(P)(R), Z-10-03 and 10-58, which were filed in this office on September 7, 2010.

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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RECORDED
R. B. SHORE
2010 SEP 14 PM 1:09
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA