

**MANATEE COUNTY ZONING ORDINANCE
Z-10-06 – TALLEVAST/PROSPECT IMPROVEMENT COMPANY LLC**

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 2.2 ACRES ON THE NORTH SIDE OF TALLEVAST ROAD, APPROXIMATELY 306 FEET WEST OF THE INTERSECTION OF TALLEVAST ROAD AND PROSPECT ROAD, BRADENTON FROM A-1 (SUBURBAN AGRICULTURE-ONE DWELLING UNIT 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.

WHEREAS, Tallevast/Prospect Improvement Company (the "Applicant") filed an application to rezone approximately 2.2 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Suburban Agriculture – one dwelling unit 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 a public hearing on October 14, 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:

FILED FOR RECORD
R. B. SHORE

2010 NOV 16 PM 2:48

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2010 NOV -9 AM 11:28

FILED

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 – one dwelling unit per acre) to the NC-M (Neighborhood Commercial - Medium) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on November 4, 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.

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 – one dwelling unit 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.

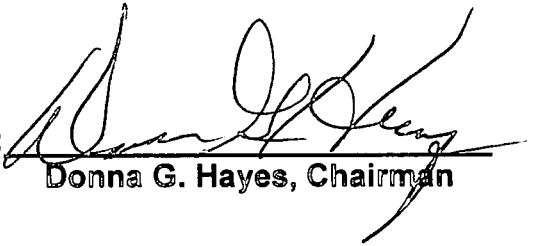
Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall 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 4th day of November, 2010.

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

BY: 
Donna G. Hayes, Chairman

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

BY: 
Deputy Clerk

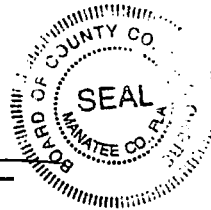


Exhibit "A"

LEGAL DESCRIPTION

WEST PARCEL:

A PARCEL OF LAND BEING A PORTION OF SECTION 29, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF TALLEVAST ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 1697, PAGE 109 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THE EAST LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1614, PAGE 4113 OF SAID PUBLIC RECORDS; THENCE N 00°13'41" E, ALONG SAID EAST LINE, A DISTANCE OF 314.83 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1696, PAGE 5169 OF SAID PUBLIC RECORDS; THENCE S 89°23'44" E, ALONG SAID SOUTH LINE, A DISTANCE OF 307.91 FEET; THENCE S 00°30'20" W, A DISTANCE OF 314.82 FEET TO AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE; THENCE N 89°23'44" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 306.38 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD.

CONTAINING 2.22 ACRES, MORE OR LESS.



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 5th day of

November, 2010

R.B. SHORE
Clerk of Circuit Court

By: Maggie Hamilton D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

FILED FOR RECORD
R. B. SHORE

2010 NOV 16 PM 2:47

November 9, 2010

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

Attention: Ms. Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 5, 2010 and certified copies of Manatee County Ordinance Nos. Z-10-05 through Z-10-07, PDMU-10-13 (Z)(G), PDR-08-03 (Z)(G) and PDR-03-53 (P)(R6), which were filed in this office on November 9, 2010.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

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