

**MANATEE COUNTY ZONING ORDINANCE
Z-11-03 – WARNER CROSSING LLC/REZONE (DTS # 20110075)**

FILED FOR RECORD
R. B. SHORE

2011 AUG 17 AM 10:20

CLERK OF THE CIRCUIT 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 THE REZONING OF APPROXIMATELY 12.8 ACRES LOCATED ON THE WEST SIDE OF UPPER MANATEE RIVER ROAD, NORTH OF THE INTERSECTION OF SR 64 AND UPPER MANATEE RIVER ROAD AT 1450 UPPER MANATEE RIVER ROAD, BRADENTON FROM THE A (GENERAL AGRICULTURE) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2011 AUG -8 PM 4:10

FILED

WHEREAS, Warner Crossing, LLC (the "Applicant") filed an application to rezone approximately 12.8 acres described in Exhibit "A", attached hereto, (the "Property") from the A (General Agriculture) to the GC (General Commercial) 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 July 14, 2011 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 (General Agriculture) to the GC (General Commercial) zoning district.

B. The Board of County Commissioners, after due public notice a held public hearing on August 4, 2011 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. In no event shall the maximum gross building square footage per Project for development upon this property exceed the maximum gross building square footage allowed in the Comprehensive Plan then in effect; and

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 (General Agriculture) to the GC (General 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 August, 2011.

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

BY: _____

Carol Whitmore, Chairman



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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

A PORTION OF LOTS 96, 97 AND 98 OF RICHLAND FARMS, A SUBDIVISION IN SECTION 30, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 63 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 96 AND RUN S 89°25'14" E, ALONG THE NORTH LINE OF SAID LOTS 96, 97, AND 98 A DISTANCE OF 872.01 FEET TO AN INTERSECTION OF THE WEST RIGHT OF WAY LINE OF UPPER MANATEE RIVER ROAD, THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO CALLS:

1. S 08°15'55" W, A DISTANCE OF 537.46 FEET;
2. S 00°41'44" W, A DISTANCE OF 149.81 FEET;

THENCE N 87°51'27" W, A DISTANCE OF 803.06 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 96; THENCE N 00°50'03" E, ALONG SAID WEST LINE, A DISTANCE OF 660.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.8 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 August, 2011
R.B. SHORE
Clerk of Circuit Court
By [Signature] D.C.



FILED FOR RECORD
R. B. SHORE

2011 AUG 17 AM 10:20

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

RICK SCOTT
Governor

FLORIDA DEPARTMENT of STATE

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING

Secretary of State

August 9, 2011

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 5, 2011 and certified copies of Manatee County Ordinance Nos. 11-01, PDMU/PDC-98-04(P)(R6), Z11-03 and Z-11-05, which were filed in this office on August 8, 2011.

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

Sincerely,

Liz Cloud
Program Administrator

LC/vm

Enclosure

DIRECTOR'S OFFICE

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