

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2009 JUN 19 10:09 AM (P) - GEORGE WEBSTER / HOME INSTEAD DTS # 20080349

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT 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 0.23 ACRES ON THE EAST SIDE OF 26TH STREET WEST AND APPROXIMATELY 240 FEET SOUTH OF 57TH AVENUE WEST AT 5715 26TH STREET WEST, BRADENTON FROM RSF-4.5 (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE) TO THE PDO (PLANNED DEVELOPMENT OFFICE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 2,330 SQUARE FOOT OFFICE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, George Webster and Lisa Herlache (the "Applicant") filed an application to rezone approximately 0.23 acres described in Exhibit "A", attached hereto, (the "Property") from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the PDO (Planned Development Office) zoning district; and

WHEREAS, the Applicant also filed a Preliminary Site Plan application for a 2,330 square foot office (the "Project") on the property; and

WHEREAS, the Applicant also filed for Specific Approval for alternatives to Sections 603.10.4.3, 710.1.6 Table B, 715.3.1, 715.3.2, 715.3.2 Buffer Screening Matrix, and 715.7 of the Land Development Code; and

WHEREAS, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, and Specific Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a duly noticed public hearing on May 14, 2009 to consider the rezone, Preliminary Site Plan, and Specific Approval applications, received the Planning Staff's recommendations 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, Preliminary Site Plan, Special Approval, and Specific Approval applications 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, subject to the stipulations contained in the Planning Staff report.

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

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MANATEE COUNTY

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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 said 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 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 PDO (Planned Development Office) zoning district; and

B. The Board of County Commissioners held a duly noticed public hearing on June 4, 2009 regarding said 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 said 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 2020 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.10.4.3, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.6 Table B, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree.

H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2 – Buffer Screening Matrix, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree.

I. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.7, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved for a 2,330 square foot office on the property subject to the following stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Should this use transition to another office use, the applicant shall submit a Final Site Plan with a parking study to demonstrate adequate parking for the proposed use.

B. ENVIRONMENTAL CONDITIONS:

Removal of all nuisance plant species from upland portions of the site shall be completed prior to the final inspection, in accordance with Section 715.4 of the LDC.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Sections 603.10.4.3, 710.1.6 Table B, 715.3.1, 715.3.2, 715.3.2 Buffer Screening Matrix, and 715.7 of the Land Development Code. Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. 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 herein by reference, for approximately 0.23 acres RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the PDO (Planned Development Office) 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 said Official Zoning Atlas.

Section 5. 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 sentence, section, clause, or other 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 6. 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 June, 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 K. [Signature]*
Deputy Clerk



EXHIBIT "A"

FILE NO. _____

LEGAL DESCRIPTION

**THE LEGAL DESCRIPTION OF SAID PROPERTY IN MANATEE COUNTY
FLORIDA, BEING:**

(Type legal directly on this sheet. Use additional sheets if necessary).

NAME OF PROJECT: Home Instead

Lot 20, Block H of Southwood Village, First Addition Re-Plat Pl# 61336.0000/4



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 27th day of

June 2009
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

KURT S. BROWNING
Secretary of State

June 15, 2009

FILED FOR RECORD
R. B. SHORE

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

2009 JUN 19 PM 1:06

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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 June 8, 2009 and certified copies of Manatee County Ordinance Nos. PDR-06-34 (Z)(P), PDO-09-02 (Z)(P), Z-08-11, which were filed in this office on June 11, 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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