

FILED FOR RECORD
R. B. SHORE

2005 SEP -9 AM 10:31

COURT
MANATEE CO FLORIDA

MANATEE COUNTY ZONING ORDINANCE
PDR-05-23(Z)(G) – RAYMOND NILSSEN REZONE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2005 AUG 31 AM 9:06
FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,
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 0.18 ACRES GENERALLY LOCATED ON THE NORTH
SIDE OF 2ND AVENUE NORTHEAST, AT 4219 2ND AVENUE N.E. FROM THE
RSF-4.5 (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE)
TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT,
APPROVING A GENERAL DEVELOPMENT PLAN FOR ONE LOT TO ALLOW:
EXISTING SINGLE-FAMILY RESIDENCE PORCH ADDITION SETBACK 12.86
FEET FROM REAR YARD; EXISTING CONCRETE BLOCK BUILDING WITH
DECK SETBACK 2.70 FEET FROM SIDE YARD; AND EXISTING CONCRETE
BLOCK BUILDING WITH DECK SETBACK ZERO FEET FROM REAR YARD;
SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL, GRANTING
SPECIAL APPROVAL FOR A PROJECT IN THE COASTAL EVACUATION
AREA AND COASTAL PLANNING AREA; SETTING FORTH FINDINGS;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, Raymond and Mary Nilssen (collectively, the "Applicant") have filed a rezone application to rezone approximately 0.18 acres described in Exhibit A, attached hereto, (the "Property") from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) zoning district to the PDR (Planned Development Residential) zoning district; and,

WHEREAS, the Applicant has also filed a General Development Plan application to allow: existing single-family residence porch addition setback 12.86 feet from rear yard; existing concrete block building with deck setback 2.70 feet from side yard; and existing concrete block building with deck setback zero feet from rear yard (the "Project") to be located upon the Property; and,

WHEREAS, the Applicant has also filed a request for Special Approval to allow a Project in the Coastal Evacuation Area and Coastal Planning Area; and,

WHEREAS, the Planning Staff has recommended approval of the rezone and General Development Plan applications, subject to the stipulations contained in the Planning Staff report; and,

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on August 11, 2005 to consider the rezone, General Development Plan and Special Approval application, 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 and General Development Plan 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 and the granting of the Special Approval for the Project in the Entranceway.

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 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 the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on August 23, 2005 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.

Section 2. The General Development Plan is hereby APPROVED to allow: existing single-family residence porch addition setback 12.86 feet from rear yard; existing concrete block building with deck setback 2.70 feet from side yard; and existing concrete block building with deck setback zero feet from rear yard upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for a Project in the Coastal Evacuation Area and Coastal Planning Area, with the following Stipulations:

STIPULATIONS

1. The entire second story deck structure shall be removed from the property within three months of approval date of the General Development Plan.
2. All new or replacement structures shall be constructed to meet rear yard and waterfront setbacks of 25 feet and side yard setbacks of 8 feet if the existing structures are destroyed or substantially damaged.

3. The use is limited to one single-family detached residence.
4. The concrete block structure at the rear of the lot shall not be made into a habitable structure.

Section 3. 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 identified in Exhibit A herein from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) zoning district to the PDR (Planned Development Residential) 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 4. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

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 23rd day of August, 2005.

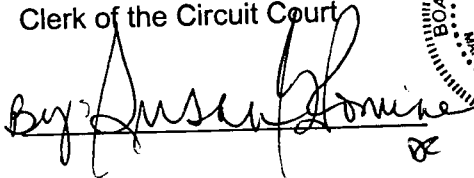
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

By: Justin Romine 



EXHIBT A.
LEGAL DESCRIPTION OF THE PROPERTY

LOT NO. 25, TRACT NO. 2 RIVERDALE REVISED SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGES 40 THRU 49 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



Clerk of the County of Manatee
I hereby 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 29th day of
AUGUST, 20 05

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FILED FOR RECORD
R. B. SHORE

2005 SEP -9 AM 10:34

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

September 2, 2005

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

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated August 29, 2005 and certified copies of Manatee County Ordinance Nos. 05-52, 05-62, PDR-05-23(Z)(R), which were filed in this office on August 31, 2005.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud ak

Liz Cloud
Program Administrator

LC/kcs

Enclosures

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
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