

FILED FOR RECORD
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE
PDPI-06-56(Z) – MANATEE COUNTY CONSERVATORY PARK (DTS #20060333)**

2009 AUG 14 AM 8:49

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 55.385 ACRES 670 FEET WEST OF WHITFIELD AVENUE, AND APPROXIMATELY 1,700 FEET NORTH OF UNIVERSITY PARKWAY FROM A-1/WP-E/ST (SUBURBAN AGRICULTURE/EVERS WATERSHED PROTECTION OVERLAY DISTRICT/SPECIAL TREATMENT OVERLAY DISTRICT) TO THE PDPI/WP-E/ST (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT, RETAINING THE OVERLAYS; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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WHEREAS, Manatee County (the "Applicant") filed an application to rezone approximately 55.385 acres described in Exhibit "A", attached hereto, (the "Property") from A-1/WP-E/ST (Suburban Agriculture/Evers Watershed Protection Overlay District/Special Treatment Overlay District) to the PDPI/WP-E/ST (Planned Development Public Interest) zoning district, retaining the overlays; and

WHEREAS, the Planning staff has recommended approval for 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 June 11, 2009, 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-

1/WP-E/ST (Suburban Agriculture/Evers Watershed Protection Overlay District/Special Treatment Overlay District) to the PDPI/WP-E/ST (Planned Development Public Interest) zoning district, retaining the overlays.

B. The Board of County Commissioners held public hearings on June 23, 2009 and July 28, 2009 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/WP-E/ST (Suburban Agriculture/Evers Watershed Protection Overlay District/Special Treatment Overlay District) to the PDPI/WP-E/ST (Planned Development Public Interest) zoning district, retaining the overlays 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 28th day of July, 2009.

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

BY: 
Dr. Gwendolyn Y. Brown, Chairman

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

BY: 
Deputy Clerk

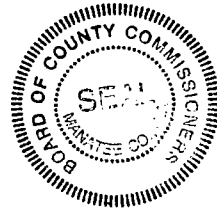


EXHIBIT A

A parcel of land being a portion of Section 34, Township 35 South, Range 18 East, Manatee County, Florida, being more particularly described as follows:

Commence at the SW corner of Desoto Lakes Country Club Colony, Unit 5, recorded in Plat Book 19, Page 40, Public Records of Manatee County, Florida; thence N89°39'21"E., along a Southerly line of said Desoto Lakes Country Club Colony, Unit 5 (being the basis of bearings for this description) for 811.22 feet to the POINT OF BEGINNING; thence continue N89°39'21"E. along said Southerly line of Desoto Lakes Country Club Colony, Unit 5, for 534.18 feet to the point of intersection with the Easterly line of said Desoto Lakes Country Club Colony, Unit 5; thence leaving said Southerly line of Desoto Lakes Country Club, Unit 5, N00°50'34"W. along said Easterly line of Desoto Lakes Country Club Colony, Unit 5, for 1,026.94 feet to the point of intersection with a Southerly line of Desoto Pines Subdivision, recorded in Plat Book 22, Page 69, Public Records of Manatee County, Florida; thence leaving said Easterly line of Desoto Lakes Country Club Colony, Unit 5, N89°47'25"E. along said Southerly line of Desoto Pines Subdivision and a Southerly line of Desoto Lakes Country Club Colony, Unit 4, recorded in Plat Book 17, Page 67, Public Records of Manatee County, Florida, respectively, for 779.08 feet to the point of intersection with a Westerly line of Desoto Woods, recorded Plat Book 30, Page 170, Public Records of Manatee County, Florida; thence the following four (4) courses along said Westerly line of Desoto Woods; (1) thence leaving said Southerly line of Desoto Lakes Country Club Colony, Unit 4, S01°01'52"E. for 299.91 feet; (2) thence N89°53'55"E. for 263.26 feet; (3) thence S01°01'01" E. for 700.56 feet; (4) thence N89°36'01"E. for 31.15 feet to the NW corner of that certain property as described in OR Book 1427, Page 723, Public Records Manatee County, Florida, same being the point of intersection with the top of bank of a lake, same also being Reference Point #1; thence leaving said Westerly line of Desoto Woods, Southwesterly, along the Westerly line of said certain property as described in OR Book 1427, Page 723, same being said top of a bank of a lake, for 325 feet, more or less, to Reference Point #2, said Reference Point #2 lying S14°23'32"W, 306.15 feet from said Reference Point #1; thence leaving said top of bank of lake, S30°58'38"E. along said Westerly line of that certain property as described in OR Book 1427, Page 723, for 139.74 feet; thence N89°01'07"E, along the South line of said certain property as described in OR Book 1427, Page 723, for 280.00 feet to the point of intersection with a Westerly line of Palm Aire at Sarasota Subdivision, Unit No. 6, as recorded in Plat Book 19, Page 199, Public Records of Manatee County, Florida; thence S00°56'47"E. along said Westerly line of Palm Aire at Sarasota Subdivision, Unit No. 6,

for 453.41 feet; thence leaving said Westerly line of Palm Aire at Sarasota Subdivision, Unit No. 6, S10°05'05"W. for 17.15 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angles of 17°01'03", an arc length of 8.91 feet, and a chord bearing of S18°35'36" W. for 8.88 feet to the point of tangent; thence S27°06'07"W. for 47.86 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 09°15'36", an arc length of 4.85 feet, and a chord bearing S31°43'55"W. for 4.84 feet to the point of tangent; thence S36°21'43"W. for 40.96 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 92°57'55", an arc length of 48.68 feet, and a chord bearing S82°50'41"W. for 43.51 feet to the point of tangent; thence N50°40'21"W. for 30.08 feet; thence N87°27'58"W, for 3.81 feet; thence S56°10'23"W, for 22.60 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 87°11'51", an arc length of 45.66 feet, and a chord bearing N80°13'41"W. for 41.38 feet to the point of tangent; thence N36°37'46"W, for 31.16 feet; thence N80°49'52"W. for 48.84 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 40°32'35", an arc length of 21.23 feet, and a chord bearing N60°33'35"W. for 20.79 feet to the point of tangent; thence N40°17'17"W. for 43.71 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 04°29'11", an arc length of 2.35 feet, and a chord bearing N38°02'42"W for 2.35 feet to the point of tangent; thence N35°48'06"W. for 44.55 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 14°27'34", an arc length of 7.57 feet, and a chord bearing N28°34'19"W for 7.55 feet to the point of tangent; thence N21°20'32"W. for 65.08 feet; thence N27°52'27"W. for 48.50 feet; thence N36°32'05" W. for 38.15 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 04°33'11", an arc length of 2.38 feet, and a chord bearing N34°15'29"W for 2.38 feet to the point of tangent; thence N31°58'54"W. for 48.13 feet; thence N67°14'11"W. for 15.42 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 72°12'33", an arc length of 37.81 feet, and a chord bearing N31°07'54"W. for 35.36 feet to the point of tangent; thence N04°58'22"E. for 38.34 feet; thence N28°00'29"W. for 37.42 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 27°28'46", an arc length of 14.39 feet, and a chord bearing N14°16'05"W. for 14.25 feet to the point of tangent; thence N00°31'42"W. for 19.56 feet; thence N28°28'57"W. for 36.25 feet; thence N40°25'08"W. for 30.45 feet to a point of curvature of a curve concave

Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 24°03'05", an arc length of 12.59 feet, and a chord bearing N28°23'36"W. for 12.50 feet to the point of tangent; thence N16°22'03"W. for 37.68 feet; thence S67°07'10"W. for 10.47 feet; thence N58°34'26"W. for 34.84 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 121°54'12", an arc length of 63.83 feet, and a chord bearing N02°22'40"E. for 52.45 feet to the point of tangent; thence N63°19'46"E. for 35.99 feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 16°08'53", an arc length of 8.46 feet, and a chord bearing N71°24'13"E for 8.43 to the point of tangent; thence N79°28'39"E. for 21.97 feet; thence N44°19'52"E. for 27.08 feet;; thence N25°12'24"W. for 8.08 feet; thence N47°43'01"W. for 39.20 feet; thence N82°30'38"W. for 30.34 feet; thence S79°47'45"W. for 48.98 feet; thence S29°43'51"W. for 67.40 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 58°04'10", an arc length of 30.41 feet, and a chord bearing S58°45'56"W. for 29.12 feet to the point of tangent; thence S87°48'01"W. for 6.14 feet; thence S10°47'57"W, for 20.14 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 73°13'43", an arc length of 38.34 feet, and a chord bearing S47°24'49"W. for 35.79 feet to the point of tangent; thence S84°01'40"W. for 64.76 feet; thence S44°16'50"W. for 33.26 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 11°47'44", an arc length of 6.18 feet, and a chord bearing S50°10'42"W. for 6.17 feet to the point of tangent; thence S56°04'34"W. for 27.90 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 85°16'11", an arc length of 44.65 feet, and a chord bearing N81°17'20"W. for 40.64 feet to the point of tangent; thence N38°39'15"W. for 10.67 feet; thence S38°39'43"W. for 28.43 feet; thence S12°53'41"E. for 36.67 feet to a point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 125°38'06", an arc length of 65.78 feet, and a chord bearing S49°55'22"W. for 53.37 feet to the point of tangent; thence S12°15'33"E. for 6.58 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 06°48'14", an arc length of 3.56 feet, and a chord bearing S08°51'27"E. for 3.56 feet to the point of tangent; thence S05°27'20"E. for 58.04 feet; thence S35°27'59"E. for 45.99 feet to a point of curvature of a curve concave Westerly; thence Southerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 92°57'07", an arc length of 48.67 feet, and a chord bearing S11°00'34"W. for 43.51 feet to the point of tangent; thence S57°29'08"W. for 39.29 feet; thence S01°45'34"W. for 29.30 feet to a point of curvature

thence Northeasterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 84°03'31", an arc length of 44.01 feet, and a chord bearing N38°52'21"E. for 40.17 feet to the point of tangent; thence N80°54'06"E. for 32.96 feet; thence N15°09'47"W. for 60.13 feet; thence N15°11'08"W. for 35.73 feet; thence N72°05'27"W. for 36.15 feet; thence N79°31'52"W. for 63.96 feet; thence S72°11'42"W. for 134.99 feet to a point of curvature of a curve concave Northerly; thence Westerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 30°50'18", an arc length of 16.15 feet, and a chord bearing S87°36'51"W. for 15.95 feet to the point of tangent; thence N76°58'00"W. for 92.64 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 20°35'09", an arc length of 10.78 feet, and a chord bearing N66°40'25"W. for 10.72 feet to the point of tangent; thence N56°22'51"W. for 106.61 feet to a point of curvature of a curve concave Northeasterly; thence Northwesterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 47°43'16", an arc length of 24.99 feet, and a chord bearing of N32°31,13"W. for 24.27 feet to the point of tangent; thence N08°39'34"W. for 87.51 feet; thence N25°40'31"W. for 67.88 feet; thence N35°43'14"W. for 24.90 feet to a point of curvature of a curve concave Easterly; thence Northerly along the arc of said curve, having a radius of 30.00 feet, a central angle of 44°32'19", an arc length of 23.32 feet, and a chord bearing N13°27'05"W. for 22.74 feet to the point of tangent; thence N08°49'05"E. for 83.95 feet to a point of curvature of a curve concave Southeasterly; thence Northeasterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 53°37'29", an arc length of 28.08 feet, a chord bearing N35°37'50"E. for 27.06 feet to the point of tangent; thence N62°26'34"E. for 37.30 feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 36°22'37", an arc length of 19.05 feet, and a chord bearing N80°37'53"E. for 18.73 feet to the point of tangent; thence S81°10'49"E. for 113.02 feet to a point of curvature of a curve concave Southerly; thence Easterly along the arc of said curve, having a radius of 30.00 feet, a central angle of 03°50'33", an arc length of 2.01 feet, and a chord bearing S79°15'32"E. for 2.01 feet to the point of tangent; thence S77°20'16"E. for 32.07 feet; thence N00°20'39"W. for 145.47 feet to the POINT OF BEGINNING.

#332006 v1 - Ryland/ManateeLegal



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 4th day of August, 2009
R.B. SHORE
Clerk of Circuit Court
By: G. Colorado D.C.



FILED FOR RECORD
R. B. SHORE

2009 AUG 14 AM 8:49

FLORIDA DEPARTMENT of STATE CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

August 10, 2009

Honorable R. B. "Chips" Shore
Clerk of 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 4, 2009 and certified copy of Manatee County Ordinance No. PDPI-06-56 (Z), which was filed in this office on August 7, 2009.

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

Sincerely,

A handwritten signature in black ink 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
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