

MANATEE COUNTY ZONING ORDINANCE
Z-18-09 – 301 & 70, LLC (as owner and contract purchaser) / AP Greensboro Limited, Partnership (as owner) Rezone (PLN1804-0039)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 3.2 ACRES LOCATED ON THE NORTH SIDE OF STATE ROAD 70, GENERALLY 490 FEET WEST OF THE SR 70 EAST AND US 301 INTERSECTION, COMMONLY KNOWN AS 5205 24TH STREET EAST, BRADENTON (MANATEE COUNTY) FROM RSF-4.5 (RESIDENTIAL, 4.5 DWELLING UNITS PER ACRE) AND PD-C (PLANNED DEVELOPMENT COMMERCIAL) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT; SETTING FORTH FINDINGS PROVING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 301 & 70, LLC (owner and contract purchaser) and AP Greensboro Limited, Partnership (owner) (the “Applicants”) filed an application to rezone approximately 3.2 acres described in Exhibit “A”, attached hereto, (the “Property”) from RSF-4.5 (Residential, 4.5 Dwelling Units per Acre) and PD-C (Planned Development Commercial) to the GC (General Commercial) zoning district; and

WHEREAS, the Building and Development Services staff has recommended approval of the rezone, as described in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on July 12, 2018 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

RSF-4.5 (Residential, 4.5 Dwelling Units per Acre) and PD-C (Planned Development Commercial) to the GC (General Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on August 2, 2018 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of 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 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. 15-17, 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 RSF-4.5 (Residential, 4.5 Dwelling Units per Acre) and PD-C (Planned Development Commercial) 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 Building and Development Services 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. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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 2nd day of August, 2018.

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

BY: _____
Priscilla Trace, Chairman

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

BY: _____
Deputy Clerk

Exhibit "A"

Legal Description

LOT 4 OF ROYAL PALM CROSSING, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 53, PAGES 176-181 (INST. NO. 2780234) OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

(AS FURNISHED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY - COMMITMENT NUMBER 462701)

THE SOUTH 396 FEET OF THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, 1.15 FEET TO A POINT ON THE SURVEY CENTER LINE OF STATE ROAD 70 (ONECO ROAD) (53RD AVENUE EAST) SAID POINT BEING DESIGNATED AS CENTER LINE STATION 60+68.74; THENCE ALONG SAID CENTER LINE OF SURVEY SOUTH 89°04'54" EAST, 331.30 FEET; THENCE NORTH 00°09'07" WEST, 49.40 FEET TO THE NORTH EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD 70 (PER SECTION 13120-2506) FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 00°09'07" WEST, 345.75 FEET; THENCE SOUTH 89°07'53" EAST, 165.73 FEET; THENCE SOUTH 00°08'24" EAST, 345.76 FEET TO SAID NORTH EXISTING RIGHT OF WAY LINE OF STATE ROAD 70; THENCE ALONG SAID NORTH EXISTING RIGHT OF WAY LINE NORTH 89°07'53" WEST, 165.66 FEET TO THE POINT OF BEGINNING.