Manatee County Zoning Ordinance

Z-19-18 Contemporary Housing Alternatives of Florida, Inc. Rezone / PLN1903-0098

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 6.6 ACRES ON 9TH STREET EAST, APPROXIMATELY 0.15 MILES SOUTH OF 53RD AVE EAST, COMMONLY KNOWN AS 5415 9TH ST EAST, BRADENTON (MANATEE COUNTY) FROM RVP (RECREATIONAL VEHICLE PARK) TO THE RMF-16 (RESIDENTIAL MULTIFAMILY 16 DWELLING UNITS PER ACRE) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CHAF, Inc. (the “Applicant”) filed an application to rezone approximately 6.6 acres described in Exhibit “A”, attached hereto, (the “Property”) from RVP (Recreational Vehicle Park) to the RMF-16 (Residential Multifamily, 16 dwelling units per acre) 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 11, 2091 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 application.

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 concerned the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance from RVP (Recreational Vehicle Park) to the RMF-16 (Residential Multifamily, 16 dwelling units per acre) zoning district.
B. The Board of County Commissioners, after due public notice, held a public hearing on August 22, 2019 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 RVP (Recreational Vehicle Park) to the RMF-16 (Residential Multifamily, 16 dwelling units per acre) 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 approval 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 22nd day of August 2019.

BOARD OF COUNTY
COMMISISONERS OF MANATEE
COUNTY, FLORIDA.

BY: ____________________________
   Stephen R. Jonsson, Chairman

ATTEST:  ANGELINA COLONNESO
         Clerk of the Circuit Court

BY: ____________________________
    Deputy Clerk
Exhibit “A”

Legal Description

THE W 360 FT OF S 480 FT OF SW1/4 OF NW1/4 OF NE1/4, WITH EASMT FOR PURPOSE OF INGRESS & EGRESS BEING THE W 30 FT OF N 180 FT OF SW1/4 OF NW1/4 OF NE1/4, & W 30 FT OF NW1/4 OF NW1/4 OF NE1/4, DESC IN ORB 126 P 527 PUB REC MAN CO FLA LESS W 40 FT FOR RD R/W; ALSO: COM AT NW COR OF NE1/4 OF SEC 13; TH S 89 DEG 50 MIN 47 SEC E 227.90 FT; TH S 00 DEG 11 MIN 35 SEC E 717.50 FT FOR POB; TH S 89 DEG 53 MIN 06 SEC E 132.20 FT; TH S 00 DEG 11 MIN 57 SEC E 137.30 FT; TH N 89 DEG 55 MIN 25 SEC W 132.31 FT; TH N 00 DEG 11 MIN 35 SEC W 137.39 FT TO POB, (OR 998/103); ALSO LESS OR 2526/3045 FOR RD R/W DESC AS FOLLOWS: A PARCEL OF LAND LYING IN THE SW 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SEC 13, TWN 35, RNG 17, BEING MORE PARTICULARLY DESC AS FOLLOWS: COM AT THE SW COR OF THE SW 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SD SEC 13 AND RUN S 89 DEG 31 MIN 53 SEC E ALG THE S LN OF THE SW 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SD SEC 13, A DIST OF 40 FT TO A PT ON THE EXISTING E R/W LN OF 9TH ST E, SD PT BEING THE POB; TH CONT S 89 DEG 31 MIN 53 SEC E ALG SD S LN, A DIST OF 171.06 FT; TH RUN N 00 DEG 00 MIN 00 SEC E, A DIST OF 153.56 FT; TH N 90 DEG 00 MIN 00 SEC W, A DIST OF 147.04 FT; TH RUN N 00 DEG 11 MIN 42 SEC E ALG A LN THAT IS 23.50 FT E OF AND PAR TO SD EXISTING E R/W LN, A DIST OF 327.66 FT TO A PT ON THE N LN OF THE W 360 FT OF THE S 480 FT OF THE SW 1/4 OF THE NW 1/4 OF THE NE 1/4 OF SD SEC 13; TH RUN N 89 DEG 31 MIN 53 SEC W ALG SD N LN, A DIST OF 23.50 FT TO A PT ON SD EXISTING R/W LN; TH RUN S 00 DEG 11 MIN 42 SEC W ALG SD E R/W LN, A DIST OF 480.01 FT TO THE POB; TOGETHER WITH: THE S 1/2 OF W 1/2 OF NW 1/4 OF NE1/4 OF SEC 13, LESS THE W 360 FT, ALSO LESS OR 1522 PG 6459 AND CORRECTED IN OR 1567 PG 1362 DESC AS FOLLOWS: COM AT THE NE COR OF THE E 1/2 OF THE NW1/4 [INSERT “OF THE NW1/4 OF THE NE1/4”] OF SEC 13; TH CONT ALONG THE N BDRY OF SD NE1/4 OF SD SEC 13, N 89 DEG 26 MIN 35 SEC W, A DIST OF 73.00 FT TO THE INTERSECTION OF THE WLY BDRY OF HEATHERWOOD CONDRO, PHASE 1, TH S 00 DEG 20 MIN 48 SEC W ALONG SD BDARY, A DIST OF 40.88 FT TO THE SLY R/W LN OF 53RD AVE E; TH CONT S 00 DEG 20 MIN 48 SEC W ALONG SD BDARY, A DIST OF 626.65 FT; TH S 89 DEG 29 MIN 29 SEC E, A DIST OF 73.00 FT TO THE W BDARY OF HEATHERWOOD CONDO, PHASE 2, TH ALONG SD W BDARY S 89 DEG 20 MIN 48 SEC W, A DIST OF 50.00 FT TO THE POB, TH ALONG SD W BDARY OF HEATHERWOOD CONDO, PHASE 2, A DIST OF 607.44 FT TO A PT 10.00 FT N OF THE S BDARY OF THE SW1/4 OF THE NW1/4 OF THE NE1/4 OF SD SEC 13, TH CONT A LN 10 FT N OF AND PARALLEL TO THE S BDARY OF SD SW1/4 OF THE NW1/4 OF THE NE1/4 OF SEC 13, A DIST OF 55.00 FT, TH N 00 DEG 20 MIN 48 SEC E, A DIST OF 607.49 FT TO A PT 50 FT S OF THE S BDARY OF TH E NW1/4 OF THE NW1/4 OF THE NE1/4 OF SD SEC 13, TH CONT A LN 50 FT S OF AND PARALLEL TO THE SD S BDARY, S 89 DEG 29 MIN 29 SEC E, A DIST OF 55.00 FT TO TH E POB, AND THE N 50 FT OF THE S 1/2 OF THE W 1/2 OF THE NW1/4 OF THE NE1/4 OF SEC 13 LESS THE W 360 FT. PI #57420.0010/9