

MANATEE COUNTY ZONING ORDINANCE
Z-11-08 – MANATEE MEMORIAL HOSPITAL FOUNDATION, INC./
MANATEE MEMORIAL HOSPITAL REZONE (DTS #20110272)

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 0.24± ACRES AT 604 46TH STREET WEST, BRADENTON FROM THE RSF-4.5 (RESIDENTIAL 4.5 DWELLING UNITS PER GROSS ACRE) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2012 JAN 10 PM 12:01

FILED

WHEREAS, Manatee Memorial Hospital Foundation, Inc. (the "Applicant") filed an application to rezone approximately 0.24 acres described in Exhibit "A", attached hereto, (the "Property") from the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district; and

WHEREAS, the Planning staff has recommended approval of 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 December 8, 2011 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 with the uses being limited to residential uses or parking with associated storm water facilities to serve the commercial use on the contiguous parcel to the north 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 the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 5, 2012 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 subject to the use being limited to residential use or parking with associated storm water facilities to serve the commercial uses on the contiguous parcel to the north of the rezoned property 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 the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) 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 Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas. The finding of consistency by both the Planning Commission and the Board of County Commissioners was made expressly subject to the uses being limited to residential uses or parking with associated storm water facilities to serve the commercial use on the contiguous parcel north of the rezone parcel. In the event uses other than those expressly enumerated above are proposed for the rezone parcel, the request shall require an amendment to this ordinance through same public hearing process required for rezoning of property and a demonstration by the applicant of the consistency of the additional uses with the Comprehensive Plan and criteria for approval of the LDC.

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 5th day of January, 2012.

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

BY: _____

John R. Chapple
John R. Chapple, Chairman

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

BY: _____

R. B. Shore
Deputy Clerk

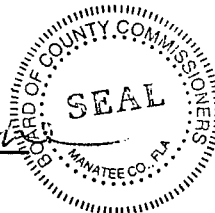


Exhibit "A"

Legal Description

South 31 FT of Lot 7 and North 44 FT of Lot 8, Westwego Park S/D



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 6th day of

January, 2012

R.B. SHORE
Clerk of Circuit Court

By: Maggie Hunter D.C.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

January 10, 2012

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

RECEIVED
JAN 17 2012
BOARD RECORDS

Attention: Ms. Maggie Riester, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated January 6, 2012 and certified copies of Manatee County Ordinance Nos. 12-07, Z-11-08, Z-11-09 and 12-04, which were filed in this office on January 10, 2012.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd

Enclosure



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250

**Telephone: 850.245.6600 • Facsimile: 850.245.6282 • <http://info.florida.gov>
Commemorating 500 years of Florida history www.fl500.com**



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Z-11-08 – MANATEE MEMORIAL HOSPITAL FOUNDATION, INC./
MANATEE MEMORIAL HOSPITAL REZONE (DTS #20110272)

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WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the rezone consistent with the Manatee County Comprehensive Plan with the uses being limited to residential uses or parking with associated storm water facilities to serve the commercial use on the contiguous parcel to the north 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 the RSF-4.5 (Residential Single-Family 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 5, 2012 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 subject to the use being limited to residential use or parking with associated storm water facilities to serve the commercial uses on the contiguous parcel to the north of the rezoned property 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.

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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 5th day of January, 2012.

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

BY: _____


John R. Chappie, Chairman

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

BY: _____


Deputy Clerk

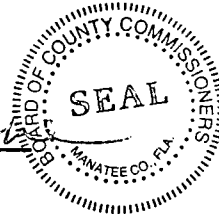


Exhibit "A"

Legal Description

South 31 FT of Lot 7 and North 44 FT of Lot 8, Westwego Park S/D



Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateeclerk.com

January 6, 2012

Florida Department of State
Attn: Liz Cloud, Chief
Administrative Code Unit
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies of Ordinances **12-07, Z-11-08, and Z-11-09** adopted by the Board of County Commissioners, Manatee County, Florida, in open session on January 5, 2012. Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy for your file and return one copy to my office.

Sincerely,

R. B. Shore

By: Maggie Riester

RBS: mr
Enclosures

"Pride - Service with a Vision to the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller, Auditor and Recorder