

**MANATEE COUNTY ZONING ORDINANCE
Z-17-06 – EURICE REZONE DTS20170569**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING IN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY ±1.33 ACRES OF THE WESTERN PORTION OF AN APPROXIMATELY ±2.33-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF ELLENTON GILLETTE ROAD AND 57TH STREET EAST AT 5702 36TH AVENUE, FROM THE A-1 (SUBURBAN AGRICULTURE – 1 DWELLING UNITS/ACRE) TO THE RSF-2 (RESIDENTIAL SINGLE-FAMILY 2.0 DWELLING UNITS/ACRE) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bill and Sarah Eurice (the “Applicants”) filed an application to rezone approximately 1.33 acres of the western portion of an approximately 2.33-acre site (1.33± acres) described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Suburban Agriculture – 1 dwelling unit/acre) to the RSF-2 (Residential Single-Family, 2.0 dwelling units/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 March 8, 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 A-1 (Suburban Agriculture – 1 dwelling unit/acre) to the RSF-2 (Residential Single-Family, 2.0 dwelling units/acre) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on April 5, 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 A-1 (Suburban Agriculture – 1 dwelling unit/acre) to the RSF-2 (Residential Single-Family, 2.0 dwelling units/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 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 5th of April, 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

A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2414, PAGE 6137, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N88°41'25"E, ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 15.98 FEET TO THE POINT OF INTERSECTION OF SAID LINE AND THE EAST RIGHT-OF-WAY OF STATE ROAD #683; THENCE N00°04'19"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE NORTH RIGHT-OF-WAY LINE OF 57TH STREET EAST FOR A POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL OF LAND IN OFFICIAL RECORDS BOOK 2414, PAGE 6137; THENCE N00°04'19"E, ALONG SAID EAST RIGHT-OF-WAY LINE AND THE WEST LINE OF SAID PARCEL, A DISTANCE OF 311.25 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE N88°36'37"E, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 182.66 FEET; THENCE S00°04'19"W, 102.46 FEET; THENCE N88°36'37"E, 9.77 FEET; THENCE S00°04'19"W, 208.79 FEET TO THE SOUTH LINE OF SAID PARCEL, ALSO BEING THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF 57TH STREET EAST; THENCE S88°36'37"W, ALONG SAID SOUTH LINE, A DISTANCE OF 192.43 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 32, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.