

**MANATEE COUNTY ZONING ORDINANCE
Z-18-15 – GETTEL TOYOTA PARKING LOT II/GETTEL AUTOMOTIVE, INC.
(PLN1810-0029)**

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 3.64± ACRES GENERALLY LOCATED ON THE EAST SIDE OF 14TH STREET WEST AND SOUTH OF 63RD AVENUE WEST AND COMMONLY KNOWN AS 1016 63RD AVE. WEST, BRADENTON (MANATEE COUNTY) FROM RDD-6 (RESIDENTIAL DUPLEX DISTRICT – 6 DWELLING UNITS/ACRE) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT; SETTING FORTH FINDINGS, PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gettel Automotive, Inc. (the “Applicant”) filed an application to rezone approximately 3.64± acres described in Exhibit “A”, attached hereto, (the “Property”) from RDD-6 (Residential Duplex District – 6 dwelling units/acre) 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 April 11, 2019 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 RDD-6 (Residential Duplex District – 6 dwelling units/acre) to the GC (General Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on May 2, 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.

D. The property may only be used as a parking facility, with associated landscape buffers and stormwater facilities, for the commercial operation located to the south and west of the subject rezone parcel.

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 RDD-6 (Residential Duplex District – 6 dwelling units/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 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 May 2019.

**BOARD OF COUNTY COMMISSIONERS
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 WEST 300 FEET OF THE NORTH 960 FEET, MORE OR LESS, OF THE E 1/2 OF THE SE 14 OF THE NW 1/4 OF SECTION 23, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA;

LESS RIGHT-OF-WAY DESCRIBED IN O.R. BOOK 856, PAGE 162, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA;

LESS RIGHT-OF-WAY DESCRIBED IN O.R. BOOK 1685, PAGE 2773 AND AMENDED IN O.R. BOOK 1803, PAGE 2607, DESCRIBED AS FOLLOWS:

Commence at a 2" iron pipe at the Southwest corner of Lot 120 of VOGELSANG'S BRASOTA MANOR SUBDIVISION, according to the plat thereof as recorded in Plat Book 9, Page 7 of the Public Records of Manatee County, Florida, said corner being the center of Section 23, Township 35 South, Range 17 East; thence N 00° 21' 33" E along the West line of said plat (the same being the West line of the Southwest 1/4 of the Northeast 1/4 of said Section 23) for 1,307.34 feet to the Northwest corner of Lot 137 of said plat, said point being a 5/8" iron rod and cap. PLS 3141; thence continue N 00° 21' 33" E for 24.96 feet to a point of intersection with the survey base line of 63rd Avenue per Manatee County Project No. 3038; thence N 89° 31' 48" W along said survey base line for 364.17 feet; thence S 00° 28' 12" W for 45.07 feet to a point on the existing Southerly right-of-way line of 63rd Avenue as recorded in Official Records Book 856, Page 162 of the Public Records of Manatee County, Florida and the POINT OF BEGINNING; thence S 00° 27' 16" W for 225.53 feet; thence S 47° 23' 48" W for 99.30 feet; thence S 24° 31' 43" W for 18.26 feet; thence S 00° 27' 20" W for 55.84 feet; thence N 85° 47' 58" W for 186.00 feet; thence N 01° 37' 49" E for 346.50 feet; thence N 36° 42' 36" W for 27.58 feet to a point of intersection with the existing Southerly maintained right-of-way line of 63rd Avenue as recorded in Road Plat Book 5, Page 110 of the Public Records of Manatee County, Florida; thence S 89° 59' 09" E along said existing Southerly maintained right-of-way line of 63rd Avenue for 125.12 feet; thence S 00° 19' 57" W for 16.00 feet to a point of intersection with the existing Southerly right-of-way line of 63rd Avenue as recorded in Official Records Book 856, Page 162 of the Public Records of Manatee County, Florida; thence S 89° 40' 03" E along said existing Southerly right-of-way line of 63rd Avenue for 150.00 feet to the POINT OF BEGINNING;

LESS THAT PART INCLUDED IN O.R. BOOK 2019, PAGE 1635, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE NORTH 204.50 FEET OF THE SOUTH 564.50 FEET OF THE WEST 300 FEET OF THE EAST 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWNSHIP 35 SOUTH. RANGE 17 EAST, MANATEE COUNTY, FLORIDA.