

MANATEE COUNTY ZONING ORDINANCE

Z-19-27 – WILLIAM GALE REZONE PLN1909-0071

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE); RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 26.74 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF 33RD STREET EAST AND 16TH AVENUE EAST, COMMONLY KNOWN AS 1210 33RD STREET EAST, PALMETTO (MANATEE COUNTY) FROM A-1 (AGRICULTURAL SUBURBAN) AND RSF-2 (RESIDENTIAL SINGLE FAMILY TWO DWELLING UNITS PER ACRE) TO THE RSF-6/H (RESIDENTIAL SINGLE FAMILY SIX DWELLING UNITS PER ACRE WITH AFFORDABLE HOUSING DENSITY BONUS) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, William Gale (the "Applicant") filed an application to rezone approximately 26.74 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Agricultural Suburban) and RSF-2 (Residential Single Family Two Dwelling Units per Acre) to the RSF-6/H (Residential Single Family Six Dwelling Units per Acre with Affordable Housing Density Bonus) 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 12, 2020 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 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 (Agricultural Suburban) and RSF-2 (Residential Single Family Two Dwelling Units per Acre) to the RSF-6/H (Residential Single Family Six Dwelling Units per Acre with Affordable Housing Density Bonus).

B. The Board of County Commissioners, after due public notice, held public hearings on April 2, 2020, May 7, May 12 and June 23, 2020, 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 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. 15-17, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Exhibit "A", incorporated by reference herein, from A-1 (Agricultural Suburban) and RSF-2 (Residential Single Family Two Dwelling Units per Acre) to the RSF-6/H (Residential Single Family Six Dwelling Units per Acre with Affordable Housing Density Bonus) 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 23rd day of June 2020.

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

BY: _____

Betsy Benac, Chairman

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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

Lots 105 and 106, Palmetto Grove and Garden Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Page 317, of the public records of Manatee County, Florida, less maintained right-of-way on the east and south, also less road right-of-way described in Official Records Book 1438, Page 6229 of the public records of Manatee County, Florida.

Lots 97 and 107, Palmetto Grove and Garden Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Page 317, of the public records of Manatee County, Florida, less maintained right-of-way, also less road right-of-way described in Official Records Book 1438, Page 6229 of the public records of Manatee County, Florida.

Lots 95 and 96, Palmetto Grove and Garden Company Subdivision, according to the plat thereof as recorded in Plat Book 1, Page 317, of the public records of Manatee County, Florida.