

Manatee County Zoning Ordinance

Z-20-04 - MIXON REZONE TO HC - MIXON FRUIT FARMS, INC. (OWNER)/GRAYKEY, LLC FKA HUNT REAL ESTATE SERVICES, INC. (CONTRACT PURCHASER) - PLN2002-0081

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 4.36 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF 26TH AVENUE EAST AND 27TH STREET EAST AND COMMONLY KNOWN AS 2712 26TH AVENUE EAST, BRADENTON (MANATEE COUNTY), FLORIDA, FROM AGRICULTURE SUBURBAN DISTRICT (A-1) TO HEAVY COMMERCIAL (HC) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mixon Fruit Farms, Inc. (Owner) / Graykey, LLC (Contract Purchaser) (the "Applicants") filed an application to rezone approximately 4.36 acres described in Exhibit "A", attached hereto, (the "Property") from Agriculture Suburban District (A-1) to Heavy Commercial (HC) 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 August 13, 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 concerned the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this from Agriculture Suburban District (A-1) to Heavy Commercial (HC) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 3, 2020 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 Agriculture Suburban District (A-1) to Heavy Commercial (HC) 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 3rd day of September 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

LOT 2 LESS N 33 FT FOR RD R/W LESS CO RD R/W OFF W SUB OF NW 1/4 OF NW 1/4 (GROVE) FAIR OAKS SUB. ALSO LESS R/W DESC IN O.R. 1894/6250 AS FOLL: BEG AT THE NW COR OF THE PREMISES DESC IN O.R. 1147/1464; TH S 89 DEG 33 MIN 20 SEC E, ALG THE NLY LN OF SD PREMISES AND THE ELY EXTENSION THEREOF, A DIST OF 36.93 FT; TH S 45 DEG 15 MIN 05 SEC W, A DIST OF 52.05 FT TO THE SLY EXTENSION OF THE WLY LN OF SD PREMISES; TH N 00 DEG 03 MIN 23 SEC E, ALG SD SLY EXTENSION AND SD WLY LN, A DIST OF 36.93 FT TO THE POB PI#15421.0000/1



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 4, 2020

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo

Dear Ms. Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance Z-20-04, which was filed in this office on September 4, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb