

## Manatee County Zoning Ordinance

### Z-21-05-K2 C2 HOLDINGS, LLC REZONE (Owner) - PLN2106-0095

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 34.08 ACRES FROM RSF-1/CHH (RESIDENTIAL SINGLE-FAMILY-1 DWELLING UNIT PER ACRE/COASTAL HIGH HAZARD) TO A-1/CHH (AGRICULTURAL SUBURBAN/ COASTAL HIGH HAZARD) ZONING DISTRICT; LOCATED AT THE SOUTHWEST CORNER OF US 19 AND KEN HUBBARD ROAD, AND APPROXIMATELY 370 FEET NORTH OF TERRA CEIA BAY, WITH APPROXIMATELY 0.47 ACRES OF THE PROJECT LYING EAST OF US 19, COMMONLY KNOWN AS 6713 AND 6831 US 19, AND 579 KEN HUBBARD ROAD, TERRA CEIA (MANATEE COUNTY); SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, K2 C2 Holdings, LLC (the "Applicant") filed an application to rezone approximately 34.08 acres described in Exhibit "A", attached hereto, (the "Property") from RSF-1/CHH (Residential Single-Family-1 dwelling unit per acre/Coastal High Hazard) to the A-1/CHH (Agricultural Suburban/Coastal High Hazard) zoning district; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on January 12, 2023, to consider the rezone application, received the Staff Report 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 Ordinance RSF-

1/CHH (Residential Single-Family-1 dwelling unit per acre/Coastal High Hazard) to the A-1/CHH (Agricultural Suburban/Coastal High Hazard) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on February 2, 2023, 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 RSF-1/CHH (Residential Single-Family-1 dwelling unit per acre/Coastal High Hazard) to the A-1/CHH (Agricultural Suburban/Coastal High Hazard) zoning district; and the Clerk of the Circuit Court, as clerk to the Board of County Commissioners, as well as the 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 2<sup>nd</sup> day of February 2023.



**BOARD OF COUNTY  
COMMISSISONERS OF MANATEE  
COUNTY, FLORIDA.**

BY:   
Kevin Van Ostenbridge, Chairman

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

BY:   
Deputy Clerk

**Exhibit "A"**

**Legal Description**

Legal Description

COM AT A PT ON MARGIN OF TERRA CEIA BAY, BEING 35 YDS W OF SW COR OF US LOT 3, SEC 35; TH RUN N ALG A LN 105 FT W OF & PARALLEL TO SD W LN OF US LOT 3, A DIST OF 686.95 FT FOR POB; TH CONT N 105 FT W OF & PARALLEL TO SD W LN OF US LOT 3 A DIST OF 1369.61 FT; TH RUN E A DIST OF 383.13 FT; TH RUN S A DIST OF 1405.67 FT TO AN IRON PIPE ON EXISTING LN OF OCCUPATION; TH RUN N 84 DEG 39 MIN W ALG EXISTING LN OF OCCUPATION, A DIST OF 386.74 FT TO POB (OR 921/1978), ALSO IN SEC 35-33-17 PI#21297.1000/6

Along with:

E1/2 OF: BEG AT POINT ON TERRA CEIA BAY 35 YDS W OF SW COR OF LOT 3 U S SEC 35 N 31.16 CHS, E 11.60 CHS, S 22.41 CHS N 87 1/2 DEG W 9.35 CHS, S 1.51 CHS, W 1.85 CHS, S TO BAY, WLY ALONG BAY TO BEG, ALSO BEG AT LAST DESC POINT, THENCE N 300 FT, W 30 FT, S TO BAY, THENCE ALONG BAY TO POB IN SEC'S 26 & 35 TOWNSHIP 33 S, RANGE 17 E OF THE TALLAHASSEE MERIDIAN. IT IS UNDERSTOOD & AGREED THAT TH W BDRY LINE OF THE ABOVE DESC PROP IS THE LINE ESTABLISHED BY AN AGRMT REC IN DB 268 P 85 PRMCF. LESS 3.24 AC, M/L CONVEYED TO THE FL STATE IMPROVEMENT COMMISSION BY DEED DTD 5/5/52, REC IN DB 293 P 137 OF PRMCF PI#21303.0000/3



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

February 2, 2023

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

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. Z-21-05, which was filed in this office on February 2, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra