

Manatee County Zoning Ordinance

ZL-23-05 – WILSON REZONE – WILSON, WILLIAM AND PAMELA (OWNERS) **– PLN2211-0041**

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 4.39 ACRES GENERALLY LOCATED APPROXIMATELY 450 FEET SOUTH OF THE INTERSECTION OF 26TH AVENUE EAST AND 9TH STREET EAST ON THE EAST SIDE OF 9TH STREET EAST AT 2709 9TH STREET EAST, BRADENTON (MANATEE COUNTY) FROM RSF-6 (RESIDENTIAL SINGLE FAMILY DISTRICT 6) TO THE GC/L (GENERAL COMMERCIAL/LIMITED) ZONING DISTRICT; APPROVING THE SOLE PERMITTED USE OF OUTDOOR STORAGE AS VOLUNTARILY PROFFERED BY THE APPLICANT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, William and Pamela Wilson. (the “Applicants”) filed an application to rezone approximately 4.39 acres described in Exhibit “A”, attached hereto, (the “Property”) from RSF-6 (Residential Single-Family District 6) to the GC/L (General Commercial/Limited) zoning district; approving the sole permitted use of Outdoor Storage as voluntarily proffered by the applicant; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on June 8, 2023, to consider the rezone with Stipulations applications, 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 applications 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, subject to the stipulations in the staff report.

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 RSF-6 (Residential Single-Family District 6) to the GC/L (General Commercial/Limited) zoning district; approving the sole permitted use of Outdoor Storage as voluntarily proffered by the applicant.

B. The Board of County Commissioners, after due public notice, held a public hearing on June 15, 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. REZONE / LIMITED. The rezone is hereby approved upon the property, subject to the following Stipulations:

1. Permitted Use shall be limited to "Outdoor Storage" with an accessory security/caretaker's residence, as voluntarily proffered by the applicant.
2. Connection to the County potable water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
3. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3 (Flood plain management criteria for flood-prone areas), the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the County 100- year floodplain delineation pursuant to the City of Bradenton Watershed Study, and post-development discharge of runoff.

Section 3. 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-6 (Residential Single-Family District 6) to the GC/L (General Commercial/Limited) zoning district; approving the sole permitted use of Outdoor Storage as voluntarily proffered by the applicant, 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 4. 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 5. 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 6. 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 7. 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 15th day of June 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court


BY: 
Deputy Clerk

Exhibit "A"

Legal Description

The South 1/2 of the N.W.1/4 of the N.W.1/4 of the N.E.14 of Section 1, Township 35 South, Range 17 East. LESS land described in Deed Book 257, Page 573, of the Public Records of Sarasota County, Florida. LESS THEREFROM the West 30.0 feet for maintained Right of Way of 9th Street East. ALSO LESS THEREFROM a part of the South 1/2 of the N.W.1/4 of N.W.1/4 of N.E.1/4 of Section 1, Township 35 South, Range 17 East, Manatee County, Florida, described as follows: From the N.W. corner of N.E.1/4 of Section 1-35-17, run S.0°55'23"E. along West line of said N.E.1/4, a distance of 333.49 feet to the N.W. corner of the South 1/2 of N.W.1/4 of N.W.1/4 of N.E.1/4 for a POINT OF BEGINNING; thence N.89°22'52"E. along North line of said South 1/2 of N.W.1/4 of N.W.1/4 of N.E.1/4, a distance of 184.00 feet; thence S.0°37'08"E., a distance of 100.00 feet; thence S.89°22'52"W., a distance of 79.00 feet; thence N.0°37'08"W., a distance of 52.0 feet; thence S.89°22'52"W., a distance of 104.75 feet to a point on aforesaid West line of South 1/2 of N.W.1/4 of N.W.1/4 of N.E.1/4; thence N.0°55'23"W. along said line, a distance of 48.0 feet to the Point of Beginning. LESS therefrom the West 30.0 feet for maintained Right of Way of 9th Street East.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 16, 2023

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

Attention: Julissa Santana

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. ZL-23-05, which was filed in this office on June 16, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh