

RESOLUTION NO. 827-24

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS RELATED TO HEIGHT; APPROVING A CONDITIONAL USE TO EXCEED THE HEIGHT LIMITATIONS OF THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT ON PARCEL NO. 07-26-22-0000-00100-0012; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application was filed by ELLECE USA 19 INC for a conditional use to exceed the height limitations of the LI (Light Industrial) zoning district to allow an increase to a maximum of height of sixty-three feet (63') on manufacturing buildings to be located on approximately 72.0 acres of real property generally located at the northwest corner of Pretty Pond Road and Wire Road with the parcel ID no: 07-26-22-0000-00100-0012; and

WHEREAS, the subject property zoning is LI (Light Industrial) which allows up to maximum height of 30 feet or two stories; and

WHEREAS, the City of Zephyrhills Land Development Code, Subsection 7.01.01.04 allows for heights in excess of the maximum established for the zoning district to be considered as a conditional use in accordance with the following:

1. Mid-rise structures (between three and five stories inclusive) may be erected if all applicable requirements of resolution #147 are met;
2. Mid-rise structures, when permitted, may be erected to a height not exceeding 75 feet if the building is set back from each setback line at least one additional foot for each additional two feet of building height above 30 feet; and
3. In no case shall a structure exceed the height limitations determined to protect the approach and clear air zones established for the Zephyrhills Municipal Airport, as currently adopted or subsequently amended.

WHEREAS, the application for a conditional use to exceed the height limitations of the zoning district has been found to be in compliance with the requirements of Subsection 7.01.01.04 and the standards of a conditional use outlined in Part 11.10.00 of the City of Zephyrhills Land Development Code; and

WHEREAS, the granting of the conditional use shall be subject to the following:

1. The holder of a conditional use permit shall be authorized to utilize the site or location of the use only in a manner specified in the written approval and conditions specified therein. Any substantial expansion, alteration or change in the conditional use authorized by the written approval must be reviewed by City Council in the same manner in which the original conditional use was reviewed.
2. An expansion, alteration or change of a conditional use shall be deemed to exist where a substantial modification of the standards provided for in number 1 above results from activity associated with the conditional use or a substantial change of circumstances or conditions arise.
3. The conditions and stipulations shall become part of the written approval and must be followed by the applicant or any successor in interest.
4. The conditional use shall run with the subject property.
5. The conditional use shall obtain an approved site development plan and all necessary permits from the City of Zephyrhills or other jurisdictional entity and shall pay all related impact fees.

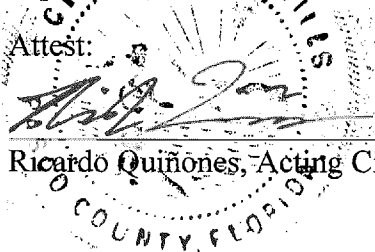
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA:

- Section 1.** The foregoing findings are incorporated herein by reference and made a part hereof.
- Section 2.** The application to exceed the height limitations of the LI zoning district with a maximum of sixty-three feet (63') for the construction of a manufacturing facility on the property with Parcel ID number. 07-26-22-0000-00100-0012 is hereby approved.
- Section 3.** The conditional use is approved for the benefit of the applicant and the applicant's successors and/or assigns and for only for the use to construct a manufacturing facility with a maximum height of sixty-three feet (63') of as specified within the application only, subject to the conditions stated herein. The character and benefit of this conditional use shall not change but may be transferred without City Council approval by resolution.
- Section 4.** The conditional use shall expire 12 months after the date of approval, unless a building permit or commercial check has been issued or initiated within the 12-month period.
- Section 4.** The City Council does hereby expressly find that the provisions of this resolution are in conformity with the Comprehensive Plan of the City of Zephyrhills, as amended.

This Resolution No. 827-24 shall run with the subject property and shall inure to the benefit of and be binding upon ELLECE USA 19 INC., as owner, and its successors and assigns. All references to "applicant" herein shall mean ELLECE USA 19 INC. and its successors and assigns.

The foregoing Resolution No. 827-24 was read and passed, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 9th day of September 2024.

Attest:



Ricardo Quinones
 Ricardo Quinones, Acting City Clerk

Kenneth M. Burgess, Jr.
 Kenneth M. Burgess, Jr.
 Council President

The foregoing Resolution No. 827-24 was approved by me this 9th day of September 2024.

Melanie Bahr Monson
 Melanie Bahr Monson, Mayor

Approved as to legal form and legal content for the sole reliance of the City of Zephyrhills

Matthew E. Maggard
 Matthew E. Maggard, City Attorney