

# Manatee County Zoning Ordinance

## Z-20-02 - NORAH & AARON, LLC - PLN2002-0010

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 36.3 ACRES GENERALLY LOCATED AT 1300 49<sup>TH</sup> STREET EAST, PALMETTO (MANATEE COUNTY), FROM RESIDENTIAL SINGLE FAMILY MOBILE HOME DISTRICTS – 6 UNITS PER ACRE (RSMH-6) TO THE RESIDENTIAL MULTI-FAMILY DISTRICTS – 9 DWELLING UNITS PER ACRE (RMF-9) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Norah & Aaron, LLC (Owner) (the “Applicant”) filed an application to rezone approximately 36.3 acres described in Exhibit “A”, attached hereto, (the “Property”) from Residential Single Family Mobile Home Districts – 6 Units per acre (RSMH-6) to the Residential Multi-Family Districts – 9 dwelling units per acre (RMF-9) 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 Residential

Single Family Mobile Home Districts – 6 Units per acre (RSMH-6) to the Residential Multi-Family Districts – 9 dwelling units per acre (RMF-9) zoning district.

B. The Board of County Commissioners, after due public notice, held public hearings on September 3, 2020 and February 4, 2021 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 Residential Single Family Mobile Home Districts – 6 Units per acre (RSMH-6) to the Residential Multi-Family Districts – 9 dwelling units per acre (RMF-9) 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 4<sup>th</sup> day of February 2021.



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

BY: \_\_\_\_\_

**Vanessa Baugh, Chairperson**

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

BY: \_\_\_\_\_

**Deputy Clerk**

**Exhibit "A"**

**Legal Description**

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST; THENCE N89°07'15"W, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 657.18 FT.; THENCE N00°52'45"E, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 1.98 FT. TO THE INTERSECTION WITH THE NORTHERLY MAINTAINED RIGHT-OF-WAY OF EXPERIMENTAL FARM ROAD, AS RECORDED IN ROAD PLAT BOOK 8, PAGES 117 THROUGH 137, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE N00°27'39"E, ALONG SAID MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 19.00 FT. TO THE SOUTHWEST CORNER OF OAK MANOR SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGE 50, SAID PUBLIC RECORDS; THENCE CONTINUE N00°27'39"E, ALONG THE WEST LINE OF SAID OAK MANOR SUBDIVISION, A DISTANCE OF 1282.97 FT. TO THE NORTHWEST CORNER THEREOF; THENCE N89°28'15"W, 11.50 FT.; THENCE N00°04'39"E, 787.37 FT.; THENCE S88°26'38"E, A DISTANCE OF 617.76 FT. TO THE INTERSECTION WITH THE WESTERLY MAINTAINED RIGHT-OF-WAY OF CANAL ROAD, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 107 THROUGH 139, SAID PUBLIC RECORDS; THENCE N00°7'04"W, ALONG SAID MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 50.00 FT.; THENCE N88°26'38"W, 970.74 FT.; THENCE N00°05'30"E, A DISTANCE OF 115.41 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 45 (U.S. HIGHWAY NO. 41) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 13030-2502; THENCE S54°47'28"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 439.06 FT. TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD; THENCE S17°20'35"W, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 716.55 FT.; THENCE S88°31'57"E, 251.43 FT.; THENCE S00°07'04"E, A DISTANCE OF 1281.58 FT. TO THE INTERSECTION WITH AFORESAID NORTHERLY MAINTAINED RIGHT-OF-WAY OF EXPERIMENTAL FARM ROAD; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG SAID NORTHERLY MAINTAINED RIGHT-OF-WAY: (1) RUN S88°00'53"E, 390.56 FT.; THENCE S88°37'33"E, A DISTANCE OF 281.04 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 35.90 ACRES MORE OR LESS.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

February 5, 2021

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 No. Z-20-02, which was filed in this office on February 5, 2021.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb