

## Manatee County Zoning Ordinance

### **Z-21-06 – 1140 DEVELOPMENT, LLC REZONE – 1140 DEVELOPMENT, LLC – PLN 2107-0026**

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 13.6 ACRES GENERALLY LOCATED NORTH 49TH STREET EAST AND EAST SIDE OF TAMPA SOUTHERN RAILROAD TRACK AND COMMONLY KNOWN AS 1140 49<sup>TH</sup> STREET, PALMETTO (MANATEE COUNTY) FROM A-1 (AGRICULTURAL SUBURBAN) TO THE RMF-9 (RESIDENTIAL MULTI-FAMILY 9) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, 1140 Development, LLC (the “Applicant”) filed an application to rezone approximately 13.6 acres described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Agricultural Suburban) to the RMF-9 (Residential Multi-Family 9) zoning district; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on February 10, 2022, 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 from A-1 (Agricultural Suburban) to the RMF-9 (Residential Multi-Family 9) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on March 3, 2022, 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 A-1 (Agricultural Suburban) to the RMF-9 (Residential Multi-Family 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.

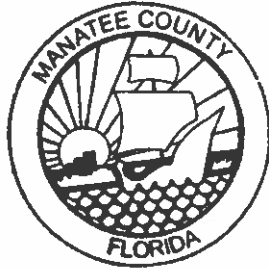
**Section 3. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality 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 3<sup>rd</sup> day of March 2022.



**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**

THAT PORTION OF THE SW 1/4 OF THE SE 1/4 OF SEC 36, TWN 33S, RNG 17E, LYING E OF THE TAMPA SOUTHERN RAILROAD COMPANY AND MORE PARTICULARLY DESC AS FOLLOWS: COM AT THE SE COR OF SEC 36, TWN 33S, RNG 17E, MANATEE COUNTY, FLORIDA; TH S 88 DEG 52 MIN W ALG THE S LN OF SD SEC 36 A DIST OF 1328.35 FT TO A POB; TH N 01 DEG 57 MIN 20 SEC W, 1305.04 FT; TH S 89 DEG 33 MIN 37 SEC W, 250.66 FT TO THE ELY R/W LN OF THE TAMPA SOUTHERN RAILROAD COMPANY; TH S 15 DEG 19 MIN W ALG SD RAILROAD R/W LN 1363.76 FT TO THE S LN OF SD SEC 36; TH N 88 DEG 52 MIN E, 655.77 FT TO THE POB. (OR 2753/7715) PI#22620.0030/9



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

March 8, 2022

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-21-06, which was filed in this office on March 8, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb