

Manatee County Zoning Ordinance

Z-21-09–FIDELITY BANK – FIDELITY BANK (OWNERS) - PLN2108-0047

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 0.78 ACRES FROM PROFESSIONAL MEDIUM OFFICE (PR-M) TO NEIGHBORHOOD COMMERCIAL MEDIUM (NC-M) ZONING DISTRICT; THE AREA SUBJECT TO REZONE IS LOCATED 0.5 MILES EAST OF 14TH STREET W (AKA HWY US 41) ON THE CORNER OF 53RD AVENUE WEST (AKA SR 70) AND 5TH STREET WEST, AND COMMONLY KNOWN AS 415 53RD AVENUE W, BRADENTON (MANATEE COUNTY); SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fidelity Bank (the “Applicant”) filed an application to rezone approximately 0.78 acres described in Exhibit “A”, attached hereto, (the “Property”) from Professional Medium Office (PR-M) to Neighborhood Commercial Medium (NC-M) 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 Professional Medium Office (PR-M) to Neighborhood Commercial Medium (NC-M) 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 Professional Medium Office (PR-M) to Neighborhood Commercial Medium (NC-M) 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 3rd 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

FM THE INTERSEC OF THE W LN OF THE SE1/4 OF THE SE1/4 OF SEC 11, WITH THE C/L OF ONECO RD (53RD AVE W), RUN N 00 DEG 13 MIN 07 SEC W ALG SD W LN A DIST OF 33.00 FT TO THE N R/W LN OF RD; TH S 89 DEG 48 MIN 02 SEC E A DIST OF 15.00 FT TO THE E R/W LN OF 5TH ST W & THE POB; TH N 00 DEG 13 MIN 07 SEC W ALG SD R/W LN A DIST OF 167.63 FT TO THE S R/W LN OF 52ND AVE TERR W; TH S 89 DEG 48 MIN 02 SEC E ALG SD R/W LN A DIST OF 204.00 FT; TH S 00 DEG 13 MIN 07 SEC E A DIST OF 167.63 FT TO THE N R/W LN OF ONECO RD (53RD AVE W); TH N 89 DEG 48 MIN 02 SEC W A DIST OF 204.00 FT TO THE POB; TOGETHER WITH A 10 FT STRIP ALG E SIDE DESC AS FOLLOWS: COM AT THE SE COR OF SEC 11, TH W ALG THE S LN OF SD SEC, 1117.40 FT, M/L TO THE SLY EXTENSION OF THE E LN OF THAT CERTAIN PROPERTY DESC IN DB 305 P 149, FOR WILLIAM H. ELMORE, JR; TH N ALG THE EXTENSION OF SD E LN 30 FT TO THE SE COR OF SD CERTAIN PROPERTY; TH CONT N ALG SD E LN 3 FT TO THE N R/W LN OF ONECO RD (53RD AVE) FOR A POB; TH CONT N ALG SD E LN 167.63 FT TO THE S R/W LN OF 52ND AVE TERRACE W; TH E ALG SD S R/W LN 10 FT, TH S PARALLEL TO AFOREMENTIONED E LN OF ELMORE PROPERTY 167.63 FT TO THE N R/W LN OF ONECO RD; TH W ALG SD N R/W LN 10 FT TO THE POB. (OR 1021 P 1085) LESS RD R/W DESC IN OR 1029 P 2965. PI#55223.0000/2



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-21-09, which was filed in this office on March 8, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb