

## Manatee County Zoning Ordinance

### **Z-21-11 – ARMSTRONG ACRES REZONE/ ARMSTRONG ACRES LLC (OWNER)–PLN2109-0137**

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 3.04 ACRES LOCATED ON THE EAST SIDE OF US 41 N. AND APPROXIMATELY 1,000 FEET NORTH OF MOCCASIN WALLOW ROAD, COMMONLY KNOWN AS 10014 US 41 N. PALMETTO (MANATEE COUNTY); FROM AGRICULTURAL SUBURBAN (A-1) TO THE GENERAL COMMERCIAL (GC) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Armstrong Acres, LLC (the “Applicant”) filed an application to rezone approximately 3.04 acres described in Exhibit “A”, attached hereto, (the “Property”) from Agricultural Suburban (A-1) to the General Commercial (GC) zoning district; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on August 11, 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 Agricultural Suburban (A-1) to the General Commercial (GC) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 1, 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 Agricultural Suburban (A-1) to the General Commercial (GC) zoning district, 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 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.

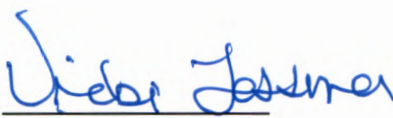
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 1<sup>st</sup> day of September 2022.



**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**

A PARCEL OF LAND LYING AND BEING IN THE ~~SOUTHWEST~~ SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE S89°59'23"W ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 772.37 FEET FOR A POINT OF BEGINNING; THENCE S0018°02"E, 330.00 FEET; THENCE S89°59'23"W, 403.09 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. 41), SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 17,320.74 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°05'30", A DISTANCE OF 330.00 FEET (CHORD = 330.00 FEET; CHORD BEARING = N00°02'13"E TO A POINT ON THE AFOREMENTIONED NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE N89°59'23"E, ALONG SAID NORTH LINE, A DISTANCE OF 401.14 FEET TO THE POINT OF BEGINNING.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 2, 2022

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

Attention: Vicki Tessmer

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. Z-21-11, which was filed in this office on September 2, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh