

Manatee County Zoning Ordinance

ZL-23-01 – SWEETBERRIES REZONE/SWEETBERRIES III INC (OWNER) – PLN2210-0035

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 0.33 ACRES GENERALLY LOCATED 130± FEET NORTH OF THE INTERSECTION OF MANATEE AVENUE WEST AND 46TH STREET WEST ON THE EAST SIDE OF 46TH STREET WEST AT 419 46TH STREET WEST, BRADENTON (MANATEE COUNTY) FROM RSF-4.5 (RESIDENTIAL SINGLE FAMILY DISTRICT) TO THE GC/L (GENERAL COMMERCIAL/LIMITED) ZONING DISTRICT; APPROVING A SCHEDULE OF PERMITTED AND PROHIBITED USES AS VOLUNTARILY PROFFERED BY THE APPLICANT AND ATTACHED AS EXHIBIT B; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sweetberries III, Inc. (the "Applicant") filed an application to rezone approximately 0.33 acres described in Exhibit "A", attached hereto, (the "Property") from RSF-4.5 (Residential Single Family District) to the GC/L (General Commercial/Limited) zoning district; and

WHEREAS, the applicant also filed a Schedule of Permitted and Prohibited Uses Exhibit "B" attached hereto; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on April 13, 2023, to consider the General Development Plan and Schedule of Permitted and Prohibited Uses applications, 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 applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval subject to the stipulations in the staff report.

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

RSF-4.5 (Residential Single-Family District) to the GC/L (General Commercial/Limited) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on May 24, 2023, 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. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved upon the property, subject to the following Stipulations:

1. Any existing nonconformities (i.e., nonconforming structure) on the subject property shall be addressed prior to a change in use.
2. Prior to FSP approval, the applicant shall combine the subject property with PID 3626400000 at 4520 Manatee Avenue West to achieve commercial locational criteria and allow the development of commercial uses within the subject site. Failure to do so will result in certain uses being prohibited on the subject property due to noncompliance with the comprehensive plan.
3. A Schedule of Uses for the subject property shall be limited to those voluntarily proffered by the applicant and are Exhibit "B".
4. Mini-warehouse, Self-storage uses shall be limited to a maximum building height of three (3) stories.

Section 3. 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 RSF-4.5 (Residential Single-Family District) to the GC/L (General Commercial/Limited) 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 4. 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 5. 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 6. 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 7. 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 24th day of May 2023.



**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

LOTS 31 AND 32, MORNINGSIDE SUBDIVISION, AS PER PLAT THEREOF RECORDED I
PLAT BOOK 4, PAGE 134, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

Exhibit "B"

Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
AGRICULTURAL USES											
Agricultural Research Facilities	—	X	X	X	X	P	X	P	P	X	X
Agricultural Uses	531.1	P	P	P	X	P	P	P	P	P	X
Agricultural Products Processing Plants	531.1	X	X	X	X	X	X	P	P	X	X
Animal Products Processing Facility	531.1	X	X	X	X	X	X	P	P	X	X
Short Term Agricultural Uses	531.1	P	P	P	X	X	X	X	X	X	X
Stables or Equestrian Centers: Private	531.1	X	X	X	X	X	X	X	X	X	X
Stables or Equestrian Centers: Public	531.1	X	X	X	X	X	X	X	X	X	X
Tree Farm	531.1	P	P	P	X	P	X	P	P	X	X

[illegible]

Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Alcoholic Beverage Establishment	531.4	X	SP	SP	SP	SP	X	X	X	X	X
Alcoholic Beverage Establishment- 2 COP License	531.4	X	P	P	P	P	X	X	X	X	X
Auction Houses, Enclosed	—	X	X	P	P	P	X	P	X	X	X
Auction Houses, Open	531.6	X	X	SP	SP	SP	X	P	X	X	X
Building Materials Sales Establishment	531.9	X	X	P	P	P	X	P	X	X	X
Lumberyard	531.9	X	X	X	X	P	X	P	X	X	X
Drive-Through Establishments	531.16	X	P	P	P	P	X	P	X	X	X
Gas Pumps	531.51	X	SP	P	P	P	X	SP	X	X	X
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	P	P	P	P	P	X	X	X
Restaurant	531.48	X	P	P	P	P	X	P	X	X	P

Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Retail Sales, Neighborhood Convenience	531.49	X	P	P	P	P	P	sP (3)	sP (3)	X	P
Medical Marijuana Treatment Center Dispensing Facility	531.49	X	P	P	P	P	P	X	X	X	P
Retail Sales, General	531.49	X	P	P	P	P	X	X	X	X	P
Service Station	531.51	X	SP	P	P	P	X	P	X	X	X
Vehicle Sales, Rental, Leasing	531.57	X	X	P/SP	P/SP	P	X	P	X	X	X
COMMERCIAL - SERVICES											
Bed and Breakfast	531.7	P	P	X	X	X	X	X	X	X	P
Business Services	—	P	P	P	P	P	X	P	X	X	P
Printing, Medium	—	X	X	P	P	P	X	P	X	X	X
Printing, Small	—	P	P	P	P	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	P	P	X	P	X	X	X

Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Car Wash: Incidental	531.10	X	P	P	P	P	X	P	X	X	X
Car Wash: Self-Service	531.10	X	X	P	P	P	X	P	X	X	X
Clinics	—	P	P	P	P	P	X	X	X	X	P
Equipment sales, rental, leasing, storing and repair- heavy	531.18	X	X	P	P	P	X	P	X	X	X
Construction equipment	531.18	X	X	SP	SP	P	X	P	P	X	X
Equipment sales, rental, leasing, storing and repair- light	—	X	X	P	P	P	X	P	P	X	X
Food Catering Service Establishment	531.21	X	P	P	P	P	X	P	X	X	X
Free Standing Emergency Department (FSED) *	531.62	X	X	X/P *	X	X	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	P	P	X	X	X	X	X

Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Funeral Home	531.22	P	P	P	P	P	X	X	X	X	X
Hospital		X	X	X	X	X	X	X	X	X	P
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	SP	X	P	P	X	X
Intensive Services: Printing, Heavy	—	X	X	X	X	X	X	P	P	X	X
Intensive Services: Industrial Service Establishment	531.26	X	X	SP	SP	P	X	P	P	X	X
Intensive Services: Sign Painting Service	531.26	X	X	P	P	P	X	P	P	X	X
Intensive Services: Taxi Cab, Limousine Service	531.26	X	X	P	P	P	X	P	X	X	X
Intensive Services: All others	531.26	X	X	SP	SP	P	X	P	P	X	X
Laboratories, Medical and Dental	—	X	X	P	P	P	X	P	X	X	P

Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Lodging Places: Boarding House	531.28	P	P	P	P	P	X	X	X	X	P
Lodging Places: Boatel	531.28	*	*	*	*	*	*	*	*	*	*
Lodging Places: Dormitories	531.28	X	X	P	P	X	X	X	X	X	P
Lodging Places: Hospital Guest House	531.28	P	P	P	P	P	*	*	*	*	P
Lodging Places: Hotel/motel	531.28	*	*	P	P	P	*	P	P	*	P
Office, Medical or Professional	—	P	P	P	P	P	P	P	X	X	P
Miscellaneous Services: Office	—	P	P	P	P	P	X	P	P	X	P
Banking: Bank	—	P	P	P	P	P	X	P	X	X	P
Banking: Bank/Drive-through	531.16	P	P	P	P	P	X	P	X	X	P
Personal Service Establishment	—	P	P	P	P	P	X	X	X	X	P
Dry Cleaners: General	—	*	P	P	P	P	*	P	P	*	*

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Industrial, Heavy	531.25	X	X	X	X	X	X	X	P/SP	X	X
Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Firework/Sparkler Manufacturer	531.25	X	X	X	X	X	X	X	SP	X	X
Industrial, Light	531.25	X	X	X	X	X	X	P/SP	P/SP	X	X
Research and Development Activities	—	X	X	X	X	P	X	P	P	X	P
COMMUNITY SERVICE USES											
Civic, Social, and Fraternal Organizations/Clubs	531.14	P	P	P	P	P	P	X	X	X	X
Correctional Facilities: Community	—	X	X	X	X	SP	X	SP	SP	X	X
Correctional Facilities: Major	—	X	X	X	X	X	X	SP	SP	X	X
Cultural Facilities	531.15	P	P	P	P	P	X	P	P	X	P
Emergency Shelters	531.45	P/SP	P/SP	P/SP	P/SP	P/SP	X	X	X	X	X

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MISCELLANEOUS USES

[illegible]

OPEN USE OF LAND - LIGHT

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Mobile Home Parks	531.32	X	X	X	X	X	X	X	X	X	X
Mobile Home Subdivisions	531.32	X	X	X	X	X	X	X	X	X	X
Nursing Homes ¹	531.35	P	P	P	P	X	X	X	X	X	P
Recovery Home, Large	531.45	SP	P	P	P	P	X	X	X	X	X
Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Recovery Home, Small	531.45	P	P	P	P	P	X	X	X	X	X
Residential Treatment Facilities	531.46	SP	SP	SP	SP	SP	X	X	X	X	X
Residential Use: Duplexes	531.47	X	P	P	X	P	X	X	X	X	P
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	X/P ²	X/P ²	P	P	P	X	P	X	X	P
Residential Use: Single Family, Detached Dwellings	531.47	P	P	P	X	P	X	P	X	X	P
Residential Use: Single Family, Semi-Detached Dwellings	531.47	X	X	X	X	X	X	P	X	X	P

Residential Use: Multiple Family Dwellings	531.47	P	X/P ²	P	P	X/P	X	P	X	X	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.47	X/P ²	X/P ²	P	P	X/P	X	X	X	X	X
Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Residential Use: Waterfront Structures (Multi-Family)	531.47	X	X	X	X	X	X	X	X	X	X
Residential Use: Waterfront Structures (Residential other than multi-family)	531.47	P	X	X	X	X	P	P	X	X	X
RESIDENTIAL SUPPORT USES											
Adult Day Care Center	—	P	P	P	P	P	X	X	X	X	X
Child Care Center, Large	531.12	P	P	P	P	P	X	P	P	X	P
Child Care Center, Small	531.12	P	P	P	P	P	SP	P	P	X	P

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Airport, Private or Public	531.3	X	X	X	X	X	X	X	X	X	X
Bus and Train Passenger Station	—	P	P	P	P	P	P	P	P	✕	✕
Hazardous Waste Transfer Facility	—	X	X	X	X	X	X	SP	SP	X	X
Land Use	See Sec. #	PR	NC	GC	MX	HC	RVP	LM	HM	EX	MP-I
Heliport	531.24	X	X	X	X	X	X	X	P	X	X
Helistop	531.24	SP	SP	SP	SP	SP	✕	P	P	P	✕
Intensive Services: Motor Pool Facilities	531.27	X	X	X	X	X	X	SP	P	X	X
Intermodal Terminal	—	X	X	X	X	X	X	SP	P	X	X
Motor Freight Terminal/Maintenance	531.34	X	X	X	X	X	X	P	P	X	X
Bus RR/Maintenance Facility		X	X	X	X	X	X	P	P	X	X

Railroad Switching/Classification Yard	—	X	X	X	X	X	X	X	P	X	X
WAREHOUSING											
Mini Warehouses, Self-storage	531.31	X	SP	P ¹	P	P	X	P	X	X	X
Warehouses	531.59	X	X	X	X	P	X	P	P	X	

¹ Mini Warehouses, Self-storage are permitted in GC/L but limited to 3 stories in height.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 25, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 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. ZL-23-01, which was filed in this office on May 25, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh