

FILED FOR RECORD
R. B. SHORE

2006 JUN -6 PM 12: 22

MANATEE COUNTY ZONING ORDINANCE
PDO-04-31(Z)(P) – KIM AND DAVID HEMINGWAY

CLERK
MANATEE COUNTY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 0.32 ACRES AT 352 SOMERSET AVENUE FROM THE RDD-3/WR/AI (RESIDENTIAL DUPLEX DWELLING, 3 DWELLING UNITS PER ACRE/WHITFIELD RESIDENTIAL OVERLAY/AIRPORT IMPACT OVERLAY) ZONING DISTRICT TO THE PDO/WR/AI (PLANNED DEVELOPMENT OFFICE, WHITFIELD RESIDENTIAL OVERLAY/AIRPORT IMPACT OVERLAY) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN TO ALLOW A 2,333 SQUARE FOOT, 4-CHAIR BEAUTY SALON (PERSONAL SERVICE ESTABLISHMENT) AND A 2,241 SQUARE FOOT SECOND FLOOR STORAGE AREA SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING A 0.25 FLOOR AREA RATIO IN THE R/O/R FUTURE LAND USE CATEGORY; GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES TO SECTIONS 603.10.4.3, 710.1.6, 715.3.2, AND 715.4 OF THE LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING FOR A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kim and David Hemingway (the "Applicant") have filed an application to rezone approximately 0.32 acres described in Exhibit "A", attached hereto, (the "Property") from the RDD-3/WR-AI (Residential Duplex Dwelling, 3 dwelling units per acre/Whitfield Residential Overlay/Airport Impact Overlay) zoning district to the PDO/WR/AI (Planned Development Office, retaining the Overlay Districts) zoning district; and

WHEREAS, the Applicant also filed a Preliminary Site Plan application for a 2,333 square foot, 4-chair beauty salon (Personal Service Establishment) and a 2,241 square foot second floor storage area (the "Project") to be located upon the Property; and

WHEREAS, the Applicant also filed a request for Specific Approval for alternatives to Sections 603.10.4.3, 710.1.6, 715.3.2, and 715.4; and

WHEREAS, the Applicant also filed a request for Special Approval to allow a Project: exceeding a 0.25 Floor Area Ratio in the R/O/R Future Land Use Category; and

WHEREAS, Planning staff recommended approval of the Rezone and Preliminary Site Plan applications, subject to the stipulations contained in the Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on March 9, 2006 to consider the Rezone, Preliminary Site Plan, Specific Approval, and Special Approval applications, 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 and Preliminary Site Plan 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 of the applications, subject to the stipulations contained in the staff report, and granting of Special Approval for a Project exceeding a 0.25 Floor Area Ratio in the R/O/R Future Land Use Category; and

WHEREAS, the Board of County Commissioners has determined that the public purpose and intent of LDC Sections 603.10.4.3, 710.1.6, 715.3.2, and 915.4 have been satisfied to an equivalent degree by the design of the project.

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, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, 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 concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from the RDD-3/WR/AI (Residential Duplex Dwelling, 3 dwelling units per acre/Whitfield Residential Overlay/Airport Impact Overlay) to PDO/WR/AI (Planned Development Office, retaining the Overlay Districts) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on April 6, 2006, May 4, 2006 and May 23, 2006 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01 (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 Manatee County Ordinance No. 89-01 (the 2020 Manatee County Comprehensive Plan).

D. The Board hereby finds that the public purpose and intent of Sections 603.7.4.5, 603.10.4.3, 710.1.6, 715.3.2, and 715.4 of the Land Development Code has been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to Section 603.10.4.3 which requires 15 foot side setbacks, 710.1.6 which requires 1 parking space per 200 square feet, 715.3.2 which requires a ten (10) foot wide greenbelt or perimeter buffer, and 715.4 which requires 8' landscape terminal islands.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved to allow a 2,333 square foot, 4 chair beauty salon (Personal Services Establishment) and a 2,241 square foot second floor storage area upon the Property subject to the Stipulations set out below. The Board hereby grants Special Approval for a Project exceeding a 0.25 Floor Area Ratio in the R/O/R Future Land Use Category, and Specific Approval with the following Stipulations:

STIPULATIONS

1. Prior to Certificate of Occupancy, any new on-site lighting shall comply with LDC Section 709.2.2. In addition, pole mounted lights shall be limited to 12 feet in height and directed to the interior of the development using horizontal cut-offs.
2. The lowest quality water possible shall be used for irrigation on this site. In ground irrigation using Manatee County public potable water supply shall be prohibited.
3. Prior to Final Site Plan approval, the Engineer of Record or Architect shall provide documentation to prove that concurrency has been met relative to fire flow.
4. Prior to Final Site Plan approval, final engineering drainage design shall be approved.
5. All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.
6. The establishment shall be designed and operated to service no more than 4 patrons at one time.
7. Any need for overflow parking utilizing the adjacent commercial site is subject to the terms and conditions of the cross access agreement.
8. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
9. There shall be no more than four (4) operators and one (1) receptionist working at any one time on the premises.
10. Understory trees and shrubs shall be planted in the terminal islands in the rear parking area.
11. The existing landscape buffer along the west property line shall be enhanced from the wall at the southwest corner of the home, extending north along the property line toward Somerset Avenue to the property line. The buffer shall consist of three (3) canopy trees and a continuous hedge row of native species. Details shall be provided with the Final Site Plan.
12. The second story shall be used only for the storage related of the Personal Service Establishment and shall not be used for any type of storage-related business.
13. A durable chain with a locking mechanism shall be constructed across the entrance to the rear parking lot to restrict access during non-business hours.
14. There shall be no pole signs permitted with this development. Any ground sign shall be unlit and limited to 2' X 2' or four (4) square feet in size. Exterior building wall signs shall not be allowed on the north façade of the building facing Somerset Avenue or above the first story on the east façade facing U. S. 41.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the Property identified in Exhibit "A" herein from the RDD-3/WR/AI (Residential Duplex Dwelling, 3 dwelling units per acre/Whitfield Residential Overlay/Airport Impact Overlay) to PDO/WR/AI (Planned Development Office, retaining the Overlay Districts) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning 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 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. 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 23rd day of May, 2006.

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

BY: _____

Second Vice-Chairman

**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

BY: _____

Deputy Clerk



EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

LOT 8, BLOCK B, OF BALLENTINE MANOR ESTATES, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 136, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS THE EASTERLY 27.0 FEET THEREOF, TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1096, PAGE 251, OF THE AFOREMENTIONED PUBLIC RECORDS.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 20th day of May, 2006
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE

2006 JUN -6 PM 12:22

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

May 31, 2006

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated May 26, 2006 and certified copies of Manatee County Ordinance Nos. PDR-05-04(Z)(P) and PDO-04-31(Z)(P), which were filed in this office on May 30, 2006.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

Enclosures

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