

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDC-03-05(Z)(G) – MCGRAW REZONE

2005 MAR 30 AM 8:24

CLERK OF THE COURT
MANATEE CO. FLORIDA
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, 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 OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-6 (RESIDENTIAL SINGLE-FAMILY, 6 DWELLING UNITS PER ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 2,202 SQUARE FOOT RETAIL BUILDING AND A 336 SQAURE FOOT STORAGE BUILDING.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said 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 Section 4 of this Ordinance from RSF-6 (Residential Single-Family, 6 dwelling units per acre) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on March 15, 2005 regarding said 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 said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The General Development Plan is hereby APPROVED to allow a 2,202 square foot retail building and a 336 square foot storage building with the following stipulations and Specific Approvals:

STIPULATIONS

1. The use on the site shall be limited as follows:
 - Existing building – antique store.
 - 336 sq. ft. building – storage accessory to the antique store.

Any change in land use from an antique store shall require new public hearings before the Planning Commission and Board of County Commissioners.

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2. The storage building shall not be used for retail sales or accessible to customers.
3. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited.
4. The 15 foot wide buffer shall be reduced to 8 to 10 feet (in area of existing driveway) and shall contain at least one canopy tree (10ft tall, 4 ft spread, and placed 30 ft. on center), and a hedge shall be shown on the Preliminary Site Plan and installed along the north and west boundaries adjacent to the residential uses and residential zoning district.
5. Deliveries to the site shall occur between the hours of 9:00 a.m. and 3:00 p.m.
6. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
7. No outdoor retail sales display area is permitted, with the exception of the display on the front porch of items customarily available within the store itself. In addition, with the approval of a temporary use permit, events such as a farmer's market may be allowed.
8. Final Engineering drainage design must be approved prior to Final Site Plan approval.
9. All off-street parking shall be constructed of a smooth dustless surface or an approved alternate as required by LDC Section 710.1.5.5.1.
10. Handicapped accessibility shall be provided from the handicapped parking space to the building's main entrance.
11. The existing driveway access to Cedar Street shall be upgraded and constructed in compliance with Manatee County Highway and Drainage Standards index number 101.3.
12. The design of the stormwater facility shall be determined with the Final Site Plan.
13. The design and shielding of on-site lighting shall ensure no off-site glare or spill over lighting occurs. In addition, pole and building mounted lights shall be limited to 12' in height and directed to the interior, using full cut-offs or a well shield type of luminary. Light fixtures on buildings may be used at entrances to a building to light unsafe areas. Light fixtures shall not draw attention to the building and neon or tube lighting, exposed or concealed, shall not be used to outline architectural features. Outdoor fluorescent lighting and flood lights are not be permitted on this site.
14. An additional 5' half-width right-of-way is required along Cedar Street. This dedication shall be shown on the Final Site Plan. All setbacks and buffers shall be measured from the new right-of way line.
15. The Preliminary Site Plan and Final Site Plan shall show nine offstreet parking spaces unless the number is reduced by the Planning Director based on a Parking Study.

SPECIFIC APPROVALS:

1. Specific Approval to allow an alternative to Section 603.7.4.5 of the Manatee County Land Development Code to allow a reduction in the required 15 foot wide greenbelt buffer to a minimum of 8 feet in the area of the existing driveway.
2. Specific Approval to allow an alternative to Section 603.11.4.3 of the Manatee County Land Development Code to allow a reduction of the front yard setback from 35 feet to 14.95 feet along Cedar Street and 30.0 feet along Leffingwell Avenue
3. Specific Approval to allow an alternative to Section 715.3.2 of the Manatee County Land Development Code to allow a reduction in the required 15 foot wide greenbelt buffer to a minimum of 8 feet in the area of the existing driveway

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 Section 4 herein from RSF-6 (Residential Single-Family, 6 dwelling units per acre) to PDC (Planned Development Commercial), 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 said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

LOT 3, LESS WEST 85 FEET AND LOT 4 LESS EAST 119 FEET OF THE NORTH 89 FEET BLOCK A OF JR ETTERS SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1 PAGE 201A OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

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 15th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



BY:

Ken Galtman
Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

By: Susan Romine



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 17 day of March, 2005

R. B. SHORE
Clerk of Circuit Court

By: *Robin Roberts* D.C.

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CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

March 22, 2005

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

Attention: Robin Liberty, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 17, 2005 and certified copy of Manatee County Ordinance No. PDC-03-05(Z)(G), which was filed in this office on March 22, 2005.

As requested, the date stamped copy is being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/kcs

Enclosures

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