

2003 SEP -9 AM 8:46

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

DEFINITION
TALLAHASSEE, FLORIDA

2003 SEP -2 AM 11:04

FILED

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 A-1/CH (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/COASTAL HIGH HAZARD OVERLAY) AND RSF-1/CH (RESIDENTIAL SINGLE FAMILY, 1 DWELLING UNIT PER ACRE/COASTAL HIGH HAZARD OVERLAY) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) RETAINING THE COASTAL HIGH HAZARD OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 10 LOTS FOR SINGLE-FAMILY RESIDENCES AND A COMMUNITY BOAT DOCK, AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) IN THE COASTAL HIGH HAZARD OVERLAY; 2) ADJACENT TO A PERENNIAL LAKE OR STREAM; AND 3) FOR A NET DENSITY GREATER THAN 1 DWELLING UNIT PER ACRE.

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 A-1/CH (Suburban Agriculture, 1 dwelling unit per acre/Coastal High Hazard Overlay) and RSF-1/CH (Residential Single-Family, 1 dwelling unit per acre/Coastal High Hazard Overlay) to PDR (Planned Development Residential) retaining the Coastal High Hazard Overlay District.

B. The Board of County Commissioners held a public hearing on August 26, 2003 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 Preliminary Site Plan is hereby APPROVED to allow 10 lots for single-family residences and a community boat dock, and GRANTING Special Approval for a project: 1) in the Coastal High Hazard Overlay; 2) adjacent to a perennial lake or stream; and 3) for a net density greater than 1 dwelling unit per acre with the following stipulations and Specific Approvals:

STIPULATIONS

1. The project shall be re-designed so no lots are platted into wetland buffers. The wetlands and their buffers shall be recorded as a Conservation Easement prior to Final Plat approval. These buffers shall be identified with signs (up to 2 per lot) indicating that this is a wetland protection area. Such signs and the redesign of the project shall be approved by the Environmental Management Department with the Final Site Plan.
2. Prior to Final Plat approval, the applicant shall demonstrate compliance with Sections 734.3.1, 734.3.3, 603.14.5.3., and 603.14.5.4.(1)-(7), Operational Guidelines for Waterfront Uses. The applicant shall erect "idle/no-wake," manatee awareness, and manatee education signs in locations approved by the Planning Department at Final Site Plan approval.
3. Prior to Final Site Plan approval, the proposed community boat dock shall be redesigned to reduce the potential impacts to the existing seagrass communities, and shall be limited to a maximum of 7 boat slips. Individual boat docks associated with single-family lots shall be prohibited. There shall be no live-aboards.
4. The walkway to the community boat dock shall be located within common open space and not within the boundaries of Lot #8 as shown on the Preliminary Site Plan.
5. A fire hydrant shall be located within 400 feet of the docking facility.
6. State and Federal permits for the proposed community dock shall be obtained prior to Final Site Plan approval. The developer may elect to construct the upland portion of the project before required dock permits have been obtained by phasing the project and placing the dock in a future phase.
7. All trimming of mangroves shall be done in accordance with State mandated restrictions. In addition to State rules, mangroves shall be trimmed to no less than 8' in height above the existing substrate.
8. The Notice to Buyers, disclosure statements, and Final Site Plan shall include language to inform homeowners in the project that:
 - A. There is a Hurricane Evacuation plan approved by the Public Safety Department for this project.
 - B. A total of 7 boat slips are all that are allowed for Palma Sola Pointe.
9. All stormwater management systems which discharge directly into an Outstanding Florida Water shall provide a minimum of 150% treatment, unless the applicant provides documentation satisfactory to the Environmental Management Department that best management practices are being used. Compliance with this condition shall be demonstrated with design calculations prior to Final Site Plan approval.
10. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.

The Homeowner's documents, disclosure statements, and Final Site Plans shall include language to inform homeowners in the project of these requirements.

11. Land clearing, tree removal, or grading shall not commence until a Final Site Plan and Construction Drawings have been approved for this project. If burning of trees or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.

12. To the maximum extent possible, existing indigenous vegetation shall remain within the required landscape buffers and be utilized to meet the buffering and screening requirements.

13. Dry lines for hookup to future reuse lines shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation. This shall be approved by the Planning Department with the Final Site Plan.

14. The applicant and its heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such fee is adopted by the Board of County Commissioners.

15. The lowest possible quality of water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots.

16. The application shall improve that portion of 99th Street Northwest within the existing public right-of-way, from the southern end of the public right-of-way (shown on the Preliminary Site Plan as located at the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Section 26, Township 34S, Range 16E) to the intersection of 99th Street Northwest as shown on the Preliminary Site Plan. This portion of the road shall comply with the acceptance requirements of Section 722.3.4.3 of the Manatee County Land Development Code. At a minimum, such improvements shall meet the Manatee County Public Works structural standards.

17. A Homeowner's Association responsible for the maintenance of all common areas including the private street, shall be established for this development. This shall be reviewed with the Final Plat.

SPECIFIC APPROVALS

1. Specific Approval of an alternative to Section 907.9.4 of the Land Development Code to allow a cul-de-sac longer than 800 feet in length.

2. Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to eliminate the requirement for a 15' wide greenbelt along the north and east sides of the site, and reduce the requirement from 15' to 10' along the south side of the project

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 A-1/CH (Suburban Agriculture, 1 dwelling unit per acre/Coastal High

Page 4 - PDR-02-31(Z)(P) – Robinson Farms, Inc./Palma Sola Pointe Hazard Overlay) and RSF-1/CH (Residential Single-Family, 1 dwelling unit per acre/Coastal High Hazard Overlay) to PDR (Planned Development Residential) retaining the Coastal High Hazard Overlay 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 said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

FROM THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 16, EAST, RUN S 01° 10' 55" W ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 1980.93 FEET TO THE POINT OF BEGINNING; THENCE S 68° 46' 25" E, A DISTANCE OF 286.70 FEET; THENCE S 53° 49' 05" E, A DISTANCE OF 382.01 FEET TO THE APPROXIMATE MEAN HIGH WATER LINE OF PALMA SOLA BAY; THENCE SOUTHERLY ALONG SAID APPROXIMATE MEAN HIGH WATER LINE THE FOLLOWING EIGHT (8) COURSES: (1) THENCE S 05° 51' 51" E, A DISTANCE OF 57.99 FEET; (2) THENCE S 22° 20' 29" W, A DISTANCE OF 110.77 FEET; (3) THENCE S 30° 49' 58" W, A DISTANCE OF 100.84 FEET; (4) THENCE S 15° 40' 25" W, A DISTANCE OF 97.31 FEET; (5) THENCE S 37° 36' 19" W, A DISTANCE OF 168.34 FEET; (6) THENCE S 11° 39' 34" W, A DISTANCE OF 27.85 FEET; (7) THENCE S 44° 01' 03" W, A DISTANCE OF 131.37 FEET; (8) THENCE S 63° 40' 58" W, A DISTANCE OF 29.20 FEET TO THE END OF SAID APPROXIMATE MEAN HIGH WATER LINE; THENCE N 55° 53' 30" W, A DISTANCE OF 324.38 FEET; THENCE N 39° 14' 26" W, A DISTANCE OF 175.25 FEET; THENCE N 01° 13' 08" E, A DISTANCE OF 525.00 FEET; THENCE N 68° 46' 00" E, A DISTANCE OF 113.30 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 25 AND 26, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

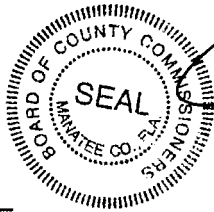
AND

COMMENCE AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 16 EAST, THENCE S 01° 10' 55" W ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1318.36 FT. THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 26 FOR A POINT OF BEGINNING, SAID POINT LYING ON THE SURVEY LINE END OF PUBLIC RIGHT-OF-WAY FOR 99TH STREET NORTHWEST AS RECORDED IN ROAD PLAT BOOK 6, PAGES 170 THROUGH 172, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE CONTINUE S 01° 10' 55" W, ALONG SAID EAST LINE, A DISTANCE OF 662.57 FT.; THENCE N 88° 48' 00" W, 85.00 FT.; THENCE N 01° 10' 55" E, 662.50 FT.; THENCE S 89° 49' 05" E, ALONG SAID END OF PUBLIC RIGHT-OF-WAY AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 85.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 26, TOWNSHIP 34 SOUTH, RANGE 16, EAST, 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 26th day of August, 2003.

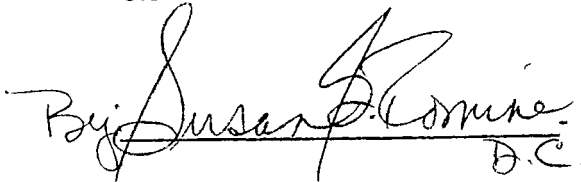
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



BY: 

Jane W. von Hahmann
First Vice-Chairman

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


R.B. Shore
Clerk of the Circuit Court



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 28th day of

August, 2003.

R.B. SHORE
Clerk of Circuit Court

By:  R.B. Shore, C.C.



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

September 5, 2003

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

FILED FOR RECORD
R. B. SHORE

2003 SEP -9 AM 8:45

Attention: Diane E. Vollmer

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 28, 2003 and certified copy of Manatee County Ordinance No. Pdr-02-31(Z)(P), which was filed in this office on September 2, 2003.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp