

MANATEE COUNTY ZONING ORDINANCE
PDR-03-62(Z)(P) - MANATEE RIVER RESORTS

2004 DEC 21 AM 7:51

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING COURT
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
PDMU (PLANNED DEVELOPMENT MIXED USE) AND PDMU/CH (PLANNED
DEVELOPMENT MIXED USE/COASTAL HIGH HAZARD AREA OVERLAY
DISTRICT) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL AND PDR/CH
(PLANNED DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD AREA
OVERLAY DISTRICT); PROVIDING AN EFFECTIVE DATE; AND APPROVAL
OF A PRELIMINARY SITE PLAN TO ALLOW THREE (3) LOTS FOR SINGLE-
FAMILY DETACHED RESIDENCES, COMMUNITY DOCKING FACILITIES FOR
THREE (3) EXISTING BOAT SLIPS, AND A BOAT RAMP FOR THE PROJECT,
AND GRANT SPECIAL APPROVAL FOR A PROJECT: 1) ADJACENT TO A
PERENNIAL STREAM; 2) PARTIALLY WITHIN THE COASTAL HIGH HAZARD
AREA OVERLAY; AND 3) TO WAIVE THE MANDATORY CONNECTION TO
THE MANATEE COUNTY PUBLIC WASTEWATER SYSTEM.

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, 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 Section 4 of this Ordinance from PDMU (Planned Development Mixed Use) and PDMU/CH (Planned Development Mixed Use/Coastal High Hazard Area Overlay District) to PDR (Planned Development Residential and PDR/CH (Planned Development Residential/Coastal High Hazard Area Overlay District).

B. The Board of County Commissioners held a public hearing on December 7, 2004 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 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow three (3) lots for single-family detached residences, community docking facilities for three (3) boat slips, and a boat ramp for the project, and GRANT Special Approval for a project: 1) adjacent to a Perennial Stream; 2) partially within the Coastal High Hazard Area Overlay; and 3) to waive the mandatory

connection to the Manatee County Public Wastewater System with the following Stipulations and Specific Approval(s):

STIPULATIONS

1. Unless otherwise approved by Environmental Management Department, native xeriscape landscape or drought tolerant materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowners to participate in the Florida Yards and Neighborhoods Program by disseminating program information to individual lot owners.
2. Prior to Final Subdivision Plat approval the 30' easement running along the south property line of the site shall be eliminated.
3. The residences shall be designed on as pilings to minimize the amount of fill dirt on-site and trees to be removed.
4. No lots shall be platted through greenbelt buffers, roadway buffers, stormwater ponds, below the MHWL (Mean High Water Line) of the Manatee River, or through the regulatory floodway.
5. Prior to Final Subdivision Plat approval the existing wooden deck and gazebo structure shall be removed.
6. All significant trees as defined by the LDC and other tree groups, to be identified with the Final Site Plan, that fall within individual lot boundaries, shall be shown on the Final Site Plan and protection measures taken, as follows:

Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" dbh (trunk diameter measured at 4.5 feet from ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

The minimum radius to be protected:

- A. Pines, dripline or 6', whichever is greater
- B. All other trees including hardwoods, 2/3 of the dripline or 6', whichever is greater

Method of Erection

- A. Minimum height of uprights 3' (after being pounded into the ground), and no less than 2" x 4" lumber
- B. Uprights should have horizontal ribboning at the top and 12" below the top
- C. Uprights should be spaced at no more than 4' – 5' intervals
- D. Horizontal members of no less than 1" x 2" lumber

Barriers are to remain in place until all paving and construction are done and heavy equipment is out of the area. Trees 4" dbh and greater that are located within 10' of the lot under construction shall also be protected by a barricade during construction.

7. The lowest quality of water available shall be used for irrigation purposes for this project. In-ground irrigation using Manatee County public potable water supply shall be prohibited.
8. The project shall use performance based septic systems as approved by the County and the Department of Health, Manatee County Public Health Unit.
9. A Wetland Buffer Restoration Plan shall be submitted to the Environmental Management Department for review with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
10. Prior to Final Subdivision Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands and wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC, and shall have an exception for operation, maintenance and use of the "boat launch area" in the wetland buffer extending from the north property line to the floodway setback line.
11. The project shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Environmental Management Department with the Final Site Plan.
12. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to Final Plat approval, in accordance with Section 715.4 of the LDC.
13. A Well Management Plan for the proper abandonment of the existing 2" well shall be submitted to the Environmental Management Department prior to Final Site Plan approval.
14. The project is limited to 4 boat slips with each lot owner entitled to one boat slip only. The boat launch shall be limited to the use of the residents of the 4 lots only, except to the extent that documented use rights to the boat launch and boat launch area have been granted to third parties and recorded in the public records of Manatee County prior to May 1, 2001. These restrictions limiting the dock and boat launch facilities shall be included within the Declarations, Covenants, and Restrictions for the project, a Notice to Buyer, and a separate addendum to any sales contract.
15. Prior to Final Subdivision Plat approval the applicant shall demonstrate compliance with Sections 603.14.5.3 and 603.14.5.4.(1)-(6) of the LDC, Operational Guidelines for Waterfront Uses. The applicant shall indicate placement of "idle/no wake", manatee awareness, and Manatee Education signs on the Final Site Plan for approval by the Environmental Management Department.
16. The existing boat basin shall not be dredged or altered, including maintenance dredging, unless permitted by all regulatory agencies having jurisdiction (Federal, State, and County Agencies).

17. 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. Only maintenance and minor repair of vessels in water shall be allowed.
 - c. Presence of wetland buffers on individual lots. Manatee County Land Development Code restricts certain activities within wetland buffers.
 - d. They are purchasing property subject to flooding on a site located partially within the Coastal High Hazard Area.
18. Drainage runoff from improvements to Mill Creek Road shall be routed to the proposed stormwater management facilities for this subdivision.
19. Any buffer along Mill Creek Road or the boundaries of this project shall not contain a fence or wall that materially restricts the normal sheet flow or drainage on the subject property or that does not have breaks or openings to allow for view, light, and air to pass through.
20. Construction traffic on Mill Creek Road shall be limited to the hours of 6:00 a.m. to 6:00 p.m. provided that there shall be no construction before sunrise or after sunset. Vehicles leaving and entering the site shall operate on Mill Creek Road at 15 miles per hour or less. The applicant shall post a flag person at the site entrance to warn traffic and pedestrians of all trucks leaving and entering the site. These conditions shall be included in the developer's construction contract.
21. The developer shall conduct an analysis of existing conditions on Mill Creek Road. This shall be done prior to construction. The analysis shall be done to the specifications of the County Roadway Engineer. Prior to the issuance of the final Certificate of Occupancy, the developer shall repeat the analysis and correct any degradation which occurred during the construction process. The determination of required improvements shall be made the County Roadway Engineer. Additionally, the developer shall contribute \$4,500.00 to the Mill Creek Road Improvement Fund.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 740.3 of the Land Development Code to allow Mill Creek Road remain 20' in width.

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 PDMU (Planned Development Mixed Use) and PDMU/CH (Planned Development Mixed Use/Coastal High Hazard Area Overlay District) to PDR (Planned Development Residential and PDR/CH (Planned Development Residential/Coastal High Hazard Area 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.

BEGIN AT THE CENTER OF SECTION 16, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00° 09' 41" W, ALONG THE EAST LINE OF THE SW ¼ OF SAID SECTION 16, A DISTANCE OF 350.0 FEET; THENCE WEST 675.56 FEET; THENCE S 14° 23' W, 228.6 FEET TO A CONCRETE MONUMENT FOR A POINT OF BEGINNING; THENCE N 75° 07' W, 213.67 FEET TO A CONCRETE MONUMENT ON THE EASTERLY SHORE OF A BAYOU; THENCE CONTINUE N 75° 07' W, 218.90 FEET TO A POINT IN THE MANATEE RIVER; THENCE CONTINUE S 13° 16' 54" E, 226.41 FEET TO A POINT IN SAID MANATEE RIVER; THENCE S 44° 01' 15" W, 247.63 FEET TO A POINT IN SAID RIVER; THENCE S 27° 30' E, 50.0 FEET TO AN IRON PIPE ON THE SOUTHERLY SHORE OF SAID MANATEE RIVER; THENCE CONTINUE S 27° 30' E, 260.65 FEET; THENCE N 63° 49' E, 448.6 FEET TO THE CENTER OF A GRADED ROAD; THENCE N 00° 25' E, ALONG THE CENTER OF SAID ROAD, 55.25 FEET; THENCE N 08° 10' W, ALONG CENTER OF SAID ROAD, 129.8 FEET; THENCE N 02° 24' E, ALONG THE CENTER OF SAID GRADED ROAD, 181.3 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 40 FOOT WIDE ROADWAY, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE SW ¼ OF SECTION 16, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE N 89° 31' 13" E, ALONG THE SOUTH LINE OF SECTION 16, A DISTANCE 209.7 FEET; THENCE N 14° 50' W, 31.0 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UPPER MANATEE RIVER ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE N 14° 50' W, 323.3 FEET; THENCE N 63° 05' W, 654.2 FEET; THENCE N 24° 58' E, 433.0 FEET; THENCE N 17° 33' W, 396.8 FEET; THENCE N 70° 40' W, 343.0 FEET; THENCE N 00° 25' E, 191.3 FEET; THENCE N 08° 01' W, 129.8 FEET; THENCE N 02° 24' E, 181.3 FEET.

LESS THE FOLLOWING PARCEL:

COMMENCE AT THE CENTER OF SECTION 16, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00° 09' 41" W, ALONG THE EAST LINE OF THE SW ¼ OF SAID SECTION 16, A DISTANCE OF 350.0 FEET; THENCE WEST 675.56 FEET; THENCE S 14° 23' W, 228.66 FEET, THENCE S 02° 24' W 181.3 FEET; THENCE S 8° 01' E, 118.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 08° 01' E, ALONG THE CENTERLINE OF A 40 FOOT ROAD 11.16 FEET; THENCE S 00° 25' 0" W, ALONG SAID CENTERLINE, 55.25 FEET; THENCE S 63° 49' W, 448.6 FEET; THENCE N 27° 30' W, 60.02 FEET; THENCE N 63° 49' E, 478.2 FEET TO THE POINT OF BEGINNING.

CONTAINS 205,241.91 SQUARE FEET OR 4.7117 ACRES, MORE OR LESS.

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 7th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



BY: *Steve Woodhallman*

Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

By: *R. B. Shore*



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 13th day of DECEMBER, 20 04

R. B. SHORE
Clerk of Circuit Court

By: *Nancy Harris* D.C.



FILED FOR RECORD
R. B. SHORE

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FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

DIVISION OF LIBRARY AND INFORMATION SERVICES

December 16, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 13, 2004 and certified copy of Manatee County Ordinance No. PDR-03-62(Z)(P), which was filed in this office on December 15, 2004.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Form for the above mentioned ordinance was not received.

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

Enclosure

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