

**MANATEE COUNTY ORDINANCE  
PDR-05-02(P)(R) – RIVE ISLE ASSOCIATES, LTD / RIVER WILDERNESS PHASE IV  
DTS#20100317**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND REVISED PRELIMINARY SITE PLAN REDUCING THE REQUIRED SIDE YARD SETBACKS FOR SINGLE-FAMILY DWELLING UNITS, ADDING A STIPULATION REGARDING SEPARATION BETWEEN ACCESSORY EQUIPMENT AND STRUCTURES ON 20.94 ± ACRES LOCATED AT THE SOUTHWEST CORNER OF OLD TAMPA ROAD AND FT. HAMER ROAD, AND NORTH OF THE MANATEE RIVER, PARRISH IN THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Rive Isle Associates, LTD (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 20.94 acres described in Exhibit "A", attached hereto, (the "Property") reducing the required side yard setbacks for single-family dwelling units, adding a stipulation regarding separation between accessory equipment and structures; and

**WHEREAS**, the applicant filed an application for a project that was previously granted Special Approval for exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

**WHEREAS**, the applicant filed an application for a project that was previously granted Specific Approval for alternatives to Land Development Code Sections 604.10.3.6(a), and 722.1.4.3; and

**WHEREAS**, Planning Department staff recommended approval of the revised Preliminary Site Plan, Special Approval and Specific Approval applications subject to the stipulations contained 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, after considering the testimony, evidence, documentation, the recommendation and findings of staff, 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 staff concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

- B. The Board of County Commissioners held a duly noticed public hearing on January 6, 2011 regarding the proposed revised Preliminary Site Plan 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 revised Preliminary Site Plan 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.6(a), the Board finds that the public purpose and intent of the Land Development Code regulations have been satisfied to an equivalent or greater degree by the project design because the 15' buffer is adjacent to wooded open space that serves as a buffer.
- F. Notwithstanding the failure of this plan to comply with the requirements of the LDC Section 722.1.4.3, the Board finds that the public purpose and intent of the Land Development Code regulations have been satisfied through consistency with previous approvals in River Wilderness.

**Section 2. REVISED PRELIMINARY SITE PLAN.** The revised Preliminary Site Plan is hereby approved subject to the following Stipulations:

## **STIPULATIONS**

### **A. DESIGN AND LAND USE CONDITIONS:**

- 1. Construction access shall be from Fort Hamer Road via the southernmost cul-de-sac only. The inter-neighborhood tie to River Wilderness shall not be opened until the first Certificate of Occupancy is obtained and shall not be used by construction traffic once opened. The entrance from Fort Hamer Road shall be converted to a permanent a secondary means of emergency access.
- 2. Pool or other screened cages shall not exceed the height of the home and shall utilize materials of a dark color such as black or bronze. This condition shall be reflected in the covenants and restrictions for the project.
- 3. The minimum front yard setback shall be 25' to the garage portion of the structure. The minimum front yard setback for structures with side loaded garages shall be 20'. Notwithstanding the setbacks illustrated on the Preliminary Site Plan, the side yard setback shall be 5 feet.
- 4. Construction activity shall be limited to the hours between 7 a.m. and 6 p.m. Monday through Friday.

5. 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.
6. The sidewalk(s) shall be extended along the 50' private roadway (Tract A) between the existing Lots 54 and 55 of River Wilderness Phase II B.
7. A 6' high privacy fence shall be added 5 feet inside of the outer boundary of the landscape buffer along Lots 34, 35, 36, 37, 38, and 39, which border lots on the Red Leaf Road cul-de-sac.
8. There shall be a minimum ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside adjoining houses with a 5-foot side yard setback.

**B. TRANSPORTATION CONDITIONS:**

1. At the time of Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
2. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).

**C. INFRASTRUCTURE CONDITIONS:**

1. The Final Site Plan shall show all lots appropriately graded to their designated outfall (e.g., swale, street, lake, etc.)

**D. STORMWATER CONDITIONS:**

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
2. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.
3. All lots shall be graded at minimum to provide positive drainage to the internal drainage system or retention or detention ponds.

**E. BUFFERS:**

1. All required landscaping within buffers shall not be within required drainage easements.

**F. ENVIRONMENTAL CONDITIONS:**

1. The building setback from the 15' wetland buffer setback required by Section 702.6.10 of the LDC may be reduced to 10' for Lots 7 and 8. Wetland buffer signs shall be strategically placed. Ingress and egress shall be limited in the area of the reduced setback to insure that there are no adverse impacts to the wetland buffer. This shall be reviewed with the Final Site Plan.

**Section 3. 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 other 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 4. 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.

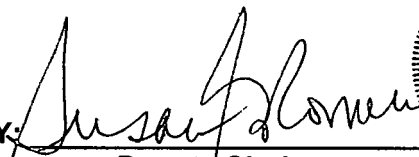
**Section 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

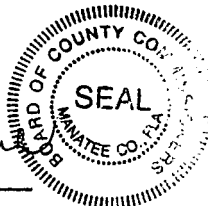
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 6<sup>TH</sup> day of January, 2011.

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

BY:   
Carol Whitmore, Chairman

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

BY:   
Deputy Clerk



**EXHIBIT "A"**

BEGINNING AT THE NORTHEAST CORNER OF TRACT "D" PRIVATE PARK AND RECREATIONAL OPEN SPACE, RIVER WILDERNESS PHASE II B SUBDIVISION, AS RECORDED IN PLAT BOOK 26, PAGES 33 THROUGH 50, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S 89°45'57" E, ALONG THE SOUTH RIGHT OF WAY LINE OF OLD TAMPA ROAD, A DISTANCE OF 783.05 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF FORT HAMMER ROAD; THENCE S 00°19'41" E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1,248.59 FEET TO THE NORTHEAST CORNER OF TRACT "C", RIVER WILDERNESS PHASE III, SUBPHASE B, UNIT 2 SUBDIVISION, AS RECORDED IN PLAT BOOK 42, PAGES 82 THROUGH 87, SAID PUBLIC RECORDS; THENCE S 89°41'06" W, ALONG THE NORTH LINE OF SAID TRACT "C" AND THE NORTH LINE OF LOTS 52 THROUGH 55 OF SAID RIVER WILDERNESS PHASE III, SUBPHASE B, UNIT 2 SUBDIVISION, A DISTANCE OF 411.74 FEET; THENCE N 63°04'35" W, ALONG THE NORTHERLY LINE OF TRACT "A" OF SAID RIVER WILDERNESS PHASE III, SUBPHASE B, UNIT 2 SUBDIVISION, A DISTANCE OF 420.84 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, WHOSE RADIUS POINT LIES N 63°06'28" W, A RADIAL DISTANCE OF 875.00 FEET; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF LOT 60 OF SAID RIVER WILDERNESS PHASE II B SUBDIVISION AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°53'32", A DISTANCE OF 89.98 FEET TO A POINT OF COMPOUND CURVATURE TO THE LEFT HAVING A RADIUS OF 666.33 FEET; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF LOT 60 AND THE EASTERLY LINE OF LOTS 55 THROUGH 59 OF SAID RIVER WILDERNESS PHASE II B SUBDIVISION AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°22'42", A DISTANCE OF 585.88 FEET THE NORTHEASTERLY CORNER OF SAID LOT 55; THENCE N 00°14'03" E, ALONG THE EAST LINE OF A 50.0 FOOT WIDE PRIVATE ROADWAY AS RECORD IN SAID RIVER WILDERNESS PHASE II B, SUBDIVISION AND THE EAST LINE OF AFOREMENTIONED TRACT "D", A DISTANCE OF 415.60 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 5, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA,

CONTAINING 911,914 SQUARE FEET OR 20.935 ACRES.