

MANATEE COUNTY ORDINANCE NO. Z-86-116

FILED FOR RECORD

NORTH BAY HARBOR

FILED
Dec 22 4 29 PM '86
SECRETARY
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, PROVIDING FOR THE REZONING OF CERTAIN LAND FROM C (NEIGHBORHOOD COMMERCIAL) TO PDM (PLANNED MARINA DEVELOPMENT DISTRICT); PROVIDING AN EFFECTIVE DATE.

R.B. 1
CLERK CIRCUIT
MANATEE CO. FLORIDA

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 C (Neighborhood Commercial) to PDM (Planned Marina Development District).

B. The said Board of County Commissioners held a Public Hearing on December 11, 1986, regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND 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. 80-4, THE MANATEE PLAN.

Section 2. The Conceptual Development Plan titled NORTH BAY HARBOR, is hereby APPROVED to allow a restaurant, boat storage and display, boat launch and fuel pumps with the following stipulations:

1. Left turn, as well as storage lanes and possible widening along Manatee Avenue, built at least to the requirements of FDOT, will be required to be addressed at the time of final site plan submittal.
2. Cross access easements will be required to the existing convenience store.
3. A sidewalk five feet (5') wide will be required along the northside of Manatee Avenue.
4. The area in the leased space from FDOT along Manatee Avenue may be counted as required landscaped open space provided the landscape consists of berms, trees and vegetation clustering to enhance the external appearance of the site.

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5. Additional trees, as deemed appropriate by the Planning Director, shall be provided around the dry boat storage facility in order to soften the appearance from public view.
6. The architecture of all buildings and structures shall be thematic and emphasize the harmony of color, texture, lines, mass and similar design features. Light value earth tones shall be used on buildings and any accent colors applied to trim, facia, boards and door panels should be compatible with the dominant building colors. The boat storage shall be designed in order to break up the large expansive exterior facade and eliminate any blandness.
7. Architectural drawings at a scale appropriate to communicate the character of the proposal shall be presented at preliminary plan approval. Color and materials of building facades shall be indicated.
8. The first one inch (1") of rainwater must be treated to preserve water quality.
9. A viable study verifying that the parking reduction that is permitted in section 203C.6.b is adequate for this project shall be presented at preliminary plan approval.

PARCEL ONE

A tract of land on Sarasota Bay in Lot 4, Section 27, Township 34 South, Range 16 East, Manatee County, Florida, more particularly described as follows: Beginning at the SE corner of U.S. Government Lot 4 of said Section 27, South $0^{\circ}16'27''$ West along the East line of U.S. Government Lot 5 of said Section 27, a distance of 57.04 feet to the point of intersection of said East line of U.S. Government Lot 5 and the centerline of State Road No. 64 (Manatee Avenue); Thence North $89^{\circ}48'33''$ West along said centerline of State Road No. 64, a distance of 204.15 feet to a point of tangent; thence continuing along said centerline on a $0^{\circ}20'$ curve to the right, having a radius of 17,188.73 feet, a distance of 692 feet, more or less, to a point of intersection of said centerline and U.S. Government meander line, as surveyed by George H. Milman, December 1885-January 1886; thence leaving said centerline, North 42° East along said Government meander line 648.2 feet, more or less; thence continuing along said meander line, North $3^{\circ}30'$ East 30.0 feet, more or less, to a point of intersection with the Northerly right of way line of said State Road No. 64; thence leaving said Government meander line run Westerly along said right of way line on a curve to the right having a radius of 16,688.73 feet, an arc distance of 670 feet, more or less, and having a chord bearing and distance of South $88^{\circ}38'$ West, 669.88 feet, to a point of intersection with the Bulkhead line as set by Manatee County and approved by the Trustees of Internal Improvement Fund, June 21, 1960; thence continuing along said Bulkhead line from aforesaid intersection, North $9^{\circ}18'50''$ East a distance of 75

feet, more or less, to a point of intersection of said Bulkhead line an arc of a curve to the left, radius of 16,613.73 feet, radius point same as for aforesaid arc of centerline and Northerly right of way line of State Road No. 64; thence leaving said Bulkhead line, Easterly along arc of said curve to the left, radius of 16,613.73 feet to a point of tangency said point of tangency being 575 feet Northerly from and perpendicular to a point of tangency previously noted on the centerline of State Road No. 64; thence Easterly along said tangent (said tangent being Northerly and 575 feet from the centerline of State Road No. 64) to a point of intersection with the Easterly line of Government Lot 4, Section 27, Township 34 South, Range 16 East; thence Southerly along said Easterly line of Government Lot 4 to the aforementioned point of beginning; less any highway right of ways and easements of record. Also less the following described land, to wit:

Begin at the SE corner of U.S. Government Lot No. 4, Section 27, Township 34 South, Range 16 East; thence run North $0^{\circ}15'43''$ East, a distance of 17.96 feet; thence run North $89^{\circ}49'17''$ West, along the Northerly right of way line of State Road No. 64, a distance of 50.0 feet to the principal place of beginning; thence continue North $89^{\circ}49'17''$ West along said right of way, a distance of 150.0 feet; thence run North $19^{\circ}54'17''$ East, a distance of 133.09 feet; thence run South $89^{\circ}49'17''$ East a distance of 105.26 feet; thence run South $0^{\circ}15'43''$ West a distance of 125.28 feet to the principal point of beginning; being on the Northerly right of way line and lying in Section 27, Township 34 South, Range 16 East, Manatee County, Florida.

PARCEL TWO;

A parcel of submerged land in Sarasota Bay in Section 27, Township 34 South, Range 16 East, Manatee County, Florida, described as follows:

Commence at the Southeast corner of Government Lot 4 of said Section 27, and run northerly along the East line of said Government Lot 4 a distance of 142.96 feet; North $89^{\circ}48'32.97''$ West 204.146 feet to the beginning of the curve concave to the North, having a radius of 16,988.73 feet; run Westerly along the arc of said curve 477.97 feet; Southerly 80 feet at right angles to the survey line of State Road 64 to a point, said point being the Point of Beginning; Westerly 328 feet, more or less, to the intersection of the Manatee County Bulkhead line as established, along the arc of the curve concave to the North having a radius of 17,068.73 feet from a tangent bearing of North $88^{\circ}11'50''$ West; North $9^{\circ}18'50''$ East along the Manatee County Bulkhead line for a distance of 382 feet, more or less, to a point; Easterly along the arc of a curve concave to the North having a radius of 16,688.73 feet a distance of 670 feet, more or less, and having a cord bearing and a distance of South $88^{\circ}38'$ East 669.8 feet; South $3^{\circ}30'$ West 30 feet, more or less; South 42° West

485 feet, more or less; Westerly along the arc of a curve concave to the North having a radius of 17,068.73 feet for a distance of 82 feet, more or less, to the Point of Beginning; containing 4.8 acres, more or less, and lying and being in the County of Manatee, State of Florida.

FROM: The Earliest Public Records when used with Abstract #13216-9, prepared by Lawyers' Title Services, Inc.

The purpose of this abstract is to afford the prospective buyer or mortgagee, a safe method of ascertaining the condition of the title. We recommend that the buyer or mortgagee, in order to assure himself of a good legal title, submit this abstract to an attorney for examination or procure title insurance.

Section 5. EFFECTIVE DATE This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 11th day of December, 1986.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: W. H. Fletcher _____
Chairman Date
12/11/86

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

BY: Pulaski Ashley Deputy Clerk

STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 11th day of December, 1986.

SUBJECT: Z-86-116

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE
COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY
COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE,
RELATING TO ZONING WITHIN THE UNINCORPORATED AREA
OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF
CERTAIN LAND FROM C (NEIGHBORHOOD COMMERCIAL) TO
PDM (PLANNED MARINA DEVELOPMENT DISTRICT;
PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 12th day of December,
1986, in Bradenton, Florida.

By: Roland H. Gellie, Deputy Clerk
R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

SECRETARY OF STATE

DEC 22 4 29 PM '86

FILED

X



The Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 33506
TELEPHONE (813) 748-0411

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement being a legal advertisement in the matter of

NOTICE OF PUBLIC HEARING

_____ in the _____ Court,
was published in said newspaper in the issues of _____
11/21/86

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, Manatee County, Florida, each day and has been entered as second class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and the affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley

Sworn to and subscribed before me this
24th day of November
A.D. 19 86
Deirdre Tucker

(SEAL) Notary Public

Notary Public, State of Florida at Large
My Commission Expires May 30, 1987

not read
Pat B.
12/18/86

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Thursday, December 11, 1986, at 9:00 A.M. in the Chambers of the Board of County Commissioners in the Manatee County Courthouse at Bradenton, Florida, to consider and act upon the following Matters:

SP-86-87—E. and M. Smith. Approval of a Special Permit to allow the on-site consumption of a beer and wine (2-Cop) in connection with an existing twenty-four (24) seat pizza/deli restaurant. Located at 12012 Cortez Road. Current Zoning: C-1 (General Commercial District) (.26+/- Acres).

SP-86-88—John Burns. Approval of a Special Permit to allow a mobile home to be used as a residence for a caretaker in addition to a residence. Located on the west side of Rex Rhode Road extended, 1.5+/- miles south of Singletary Road, Present Zoning: (A) (General Agricultural District, 1 du/5 acres) (150+/- Acres).

SP-86-93—Ronnie Beck. Approval of a Special Permit to allow a mobile home as a residence in addition to an existing mobile home. Located on the southeast side of Rye Road, midway between State Route 64 and Water Line Service Road. Present Zoning: -A- (General Agricultural District) (13.07+/- Acres).

SP-86-102—Alvin C. Strauss. Approval of a Special Permit to allow a mobile home as a residence. Located on the south side of Singletary Road approximately 1300 feet east of Bender Road. Present Zoning: -A- (General Agricultural District, 1 du/5 acres) (6.23+/- Acres).

Z-86-104—Thomas Dorr. Approval to change the present zoning from R-2 (One and Two Family Residential, 8.5 du/acre) to M-1 (Light Industrial). Located on the south side of 72nd Avenue Drive East, west of 28th Street Court East (Adams Avenue) (3.65+/- Acres).

Z-86-116—North Bay Harbor. Approval to change the present zoning from C (Neighborhood Commercial) to PDM (Planned Marina Development District), and the approval of a Conceptual Site Plan to permit the development of a restaurant, boat storage and display, boat launch and fuel pumps. Located on the northeast corner of Manatee Avenue West and the Sarasota Bay (11.0+/- Acres).

PDR-80-2(C)—TARA LTD., Phase II. Approval of a one year extension to the November 13, 1986 Preliminary Development Plan submission deadline, for Phase II. Located in the southeast corner of State Road 70 and Braden River Road. Current zoning: PDR/WP/ST (Planned Development Residential/Watershed Protection/Special Treatment Overlay Districts) (1,071.78 +/- Acres).

All interested parties are invited to appear at this Hearing and be heard. Additionally, any written comments filed with the Planning Commission or the Planning and Development Department will be heard and considered by the Board of County Commissioners.

Interested parties may examine the Official Zoning Atlas, the application and related documents and may obtain assistance regarding this matter from the Manatee County Planning and Development Department, 212 - 6th Avenue East, Bradenton, Florida.

According to Florida Statutes, Section 286.0103, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings made, which includes the testimony and evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

Manatee County Board
of County Commissioners
Manatee County Planning & Development Dept.
Manatee County, Florida

11/21/86

North Bay Harbor

MANATEE COUNTY
PLANNING & DEVELOPMENT DEPT.

AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND
NOTIFICATION BY MAIL TO CONTIGUOUS PROPERTY OWNERS
NOV 24 1986

STATE OF FLORIDA
COUNTY OF MANATEE

RECEIVED

BEFORE ME, the undersigned authority, personally appeared John B. Benson, III, who, after having been first duly sworn and put upon oath, says as follows:

1. That he is the agent (owner, agent for owner), attorney in fact for owner, etc.) of the property identified in the application for Official Zoning Atlas Amendment No. 2-86-116 to be heard on December 11, 1986 and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein and they are true to the best of his knowledge, information and belief.
2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 81-4 on the property identified in said said application and said sign was conspicuously posted 0 feet from the front property line on the 21st day of November, 1986.
3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance 81-4, by 1st Class Mail, on the 21st day of November, 1986, and attaches hereto as part of and incorporated herein, copies of said letters of notification.
4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 81-4 as it relates to the above matters may cause the above-identified application and any public hearing held thereon to be ineffective and a nullity.

FURTHER YOUR AFFIANT SAITH NOT.

Sworn to and subscribed before me this
21st day of November, 1986

Suzanne Q. Snicker
Notary Public State of Florida at Large

My Commission Expires NOV 20, 1987
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. OCT 20, 1987
BONDED THRU GENERAL INS. UND.

[Signature]



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

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'86 DEC 31 AM 11 50

December 23, 1986

R.B. SHORE,
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

R. B. Shore
Deputy Clerk
P.O. Box 1000
Manatee County Courthouse
Bradenton, Florida 33506

Dear Sir:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 12, 1986
and certified copy/ies of Manatee
County Ordinance(s) No. Z-86-116
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/these ordinance(s) in this office
on December 22, 1986.
4. The original/duplicate copy/ies showing the filing
is/are being returned for your records.

Cordially,

Liz Cloud
(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/