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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 PDR/CH (PLANNED DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD AREA OVERLAY DISTRICT) TO PDMU/CH (PLANNED DEVELOPMENT MIXED USE/COASTAL HIGH HAZARD AREA OVERLAY DISTRICT); AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 15 UNIT SINGLE FAMILY DEVELOPMENT WITH A 96 SLIP MARINA; PROVIDING AN EFFECTIVE DATE.

FILED
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CLERK OF STATE

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

B. The said Board of County Commissioners held a public hearing on September 23, 1993 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, entitled COVE SOUND YACHT CLUB, is hereby APPROVED to allow a 15 unit single family development with a 96 slip marina with the following stipulations and modifications:

STIPULATIONS

1. The only use which shall be permitted at this marina will be the storage of boats in wet slips and accessory parking. Applicant shall also be permitted to construct a replacement building to be utilized by the Coast Guard Auxiliary, at the applicant's option. No other accessory uses typically associated with marinas shall be permitted at this location.
2. The radius of the cul-de-sac at the western end of the private street shall be reduced to 45 feet.
3. The proposed 4 foot wide sidewalk currently shown on the south side of the private street, shall be relocated to the north side of the private street.
4. The proposed 4 foot wide sidewalk shall be located within the boundaries of the separate parcel created for the private street.
5. Setbacks for the single-family dwelling units shall be as follows:

Front setback: 20 feet (from edge of parcel created for the private street)
25 feet (from public street)
Side setback: 8 feet
Rear setback: lots 1-5 = 15 feet, lots 7-15 = no additional setback beyond buffer requirements

Waterfront setback: 30 feet unless more restrictive on plan

6. Each dwelling unit shall have a minimum of two (2) parking stalls which meet the minimum size requirements of the Land Development Code (9 feet by 19 feet). Said parking stalls shall not be located upon or as a part of any sidewalk or street. This requirement shall be contained in any Homeowners' Documents approved with the final plat.
7. A Certificate of Level of Service Compliance must be obtained prior to Final Site Plan Approval.
8. A fugitive dust erosion and particulate abatement plan must be submitted to the Environmental Action Commission prior to Final Site Plan approval.
9. Prior to Final Site Plan Approval, the Applicant shall submit a grading plan to the Growth Management Division of Planning, Permitting & Inspections for the shell parking located on the east and south sides of the boat basin, which will direct the stormwater runoff away from the boat basin.
10. A dry standpipe shall be installed to serve the existing docks. This standpipe shall be approved by the Anna Maria Fire District, prior to Final Site Plan approval.
11. The maximum allowable height for all structures shall be limited to 35 feet over base flood elevation.
12. A hurricane evacuation plan shall be submitted to the Division of Emergency Management, for review, within one year of construction plan approval.
13. An integrated pesticide, herbicide and fertilizer management plan incorporating all chemical applications within the project shall be submitted and approved by the Environmental Action Commission prior to Final Site Plan approval.
14. A wetland buffer planting and maintenance plan must be approved by the Environmental Action Commission prior to Final Site Plan approval.
15. Unless the preliminary site plan indicates all wetland buffer areas are to be located within common areas, conservation easements for all wetland buffer areas shall be prepared and approved in accordance with Section 719.11.1.3 and recorded in the public records of Manatee County. A copy of such recorded easements shall be provided to the Planning, Permitting and Inspections Department prior to final site plan approval.
16. A detailed traffic analysis shall be required prior to Certificate of Level of Service Approval.
17. No one shall live aboard any vessel moored at the marina except a dockmaster. The term "live aboard" shall include any overnight stay on a boat at the marina longer than two nights in a 30 day period.
18. The slip shown to be used for the pump out facility shall remain vacant and a sign shall be installed which designates it as the location of the pump out facility. This facility shall be in place and operational within thirty (30) days of Final Site Plan approval for this project. The pumpout facility shall be limited to the boats which are docked within the marina.
19. Prior to Final Plat approval, the pedestrian easements shown to be located between Lots 13 and 14 and between Lots 9 and 10, shall be constructed with delineated walkways and identified by signage.
20. The developer shall provide a restroom facility for the boat basin at the south end of this site, south of the drive to the Point at Mariner's Cove, with the specific location to be provided on the Final Site Plan.

21. A permit for demolition of the existing tennis court as shown on the plans shall not be issued by Manatee County until construction of a new tennis court is completed.
22. Upon expiration of a valid site plan approval for this site, any approval for use of the boat basin shall also expire.
23. On board generators and other noise generating equipment shall not be operated except during daylight hours.
24. The only repair work permitted in this marina shall be the work necessary in order to start a boat in the event such is needed to get a boat to a repair area.
25. Dock boxes shall be of a standard size, design and color.

MODIFICATIONS TO THE LAND DEVELOPMENT CODE

1. Section 702.6.10, the requirement to provide an additional 15' setback between the upland edge of the wetland buffer and any adjacent structures.
2. Section 710.1.5.5.5, to the construction standards for a portion of the parking spaces serving the marina to allow shell construction.
3. Sections 603.16.1/603.7.4.7, reducing the front yard setback along the proposed private street from the required 25 feet to 20 feet.
4. Section 710.1.5.1, to allow a 16' wide two-way drive aisle.

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 PDR/CH (Planned Development Residential/Coastal High Hazard Area Overlay District) to PDMU/CH (Planned Development Mixed Use/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, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

FROM A CONCRETE MONUMENT FOUND AT THE NORTHWEST CORNER OF GUTHRIE STREET AND 2ND AVENUE AS INDICATED ON THE AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ, RECORDED IN PLAT BOOK 2, PAGE 59, RUN N 64°00'45" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GUTHRIE STREET AND WESTERLY EXTENSION THEREOF, A DISTANCE OF 450.00 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF 1ST STREET AS SHOWN ON SAID PLAT, THENCE S 25°54'12" W, ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 25°54'12" W, ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 862.77 FEET; THENCE S 85°37'46" W, A DISTANCE OF 180.00 FEET; THENCE N 04°22'14" W, A DISTANCE OF 130.00 FEET; THENCE S 80°20'15" W, A DISTANCE OF 47.37 FEET TO THE EAST LINE OF THE POINT OF MARINERS COVE, RECORDED IN CONDOMINIUM BOOK 22, PAGE 86; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE EASTERN AND NORTHERN BOUNDARY OF SAID POINT OF MARINER'S COVE THE FOLLOWING TWELVE COURSES: N 04°05'48" W, A DISTANCE OF 115.90 FEET; THENCE N 64°28'16" W, A DISTANCE OF 6.01 FEET TO THE P.C. OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 25°31'44" E, A DISTANCE OF 40.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 31.58 FEET THROUGH A CENTRAL ANGLE OF 45°13'42", TO THE P.T.; THENCE N 19°14'33" W, A DISTANCE OF 23.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 70°45'27" E, A DISTANCE OF 20.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 5.38 FEET THROUGH A CENTRAL ANGLE OF 15°25'13" TO THE P.T.; THENCE N 03°57'05" W, A DISTANCE OF 97.69 FEET; THENCE N 03°52'54" W, A DISTANCE OF 143.71 FEET TO THE P.C. OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 86°07'06" E, A DISTANCE OF 50.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 25.89 FEET THROUGH A CENTRAL ANGLE OF 29°40'20" TO THE P.T.; THENCE N 25°47'27" E, A DISTANCE OF 124.90 FEET TO THE P.C. OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES N 64°12'33" W, A DISTANCE

OF 22.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 32.88 FEET THROUGH A CENTRAL ANGLE OF 85°37'38" TO THE P.T.; THENCE N 59°50'12" W, A DISTANCE OF 28.07 FEET; THENCE N 63°37'20" W, A DISTANCE OF 202.08 FEET TO A POINT ON THE OFFICIAL MANATEE COUNTY BULKHEAD LINE, ALSO BEING A POINT ON A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 71°37'19" E, A DISTANCE OF 998.91 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID BULKHEAD LINE, A DISTANCE OF 354.22 FEET THROUGH A CENTRAL ANGLE OF 20°19'02"; THENCE S 64°00'45" E, A DISTANCE OF 108.35 FEET; THENCE S 52°34'23" E, A DISTANCE OF 75.88 FEET; THENCE N 37°25'37" E, A DISTANCE OF 15.35 FEET; THENCE S 64°00'45" E, A DISTANCE OF 547.53 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD. CONTAINING 11.25 ACRES, MORE OR LESS.

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 on the 23rd day of September, 1993.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: [Signature]

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

[Signature] D.C.

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. PDMU 93-03 adopted by the Board of County Commissioners of said County on the 23 day of Sept., 1993 this 8 day of Oct., 1993 in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
Oct 13 11 05 AM '93



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

October 11, 1993

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

Attention: Diane Vollner & Jane Roak, Deputy Clerks

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 7, 1993 and certified copies of Manatee County Ordinance Numbers 93-04 and PDMU-93-03(Z)(G), which were received and filed in this office on October 11, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (2)