

MANATEE COUNTY ORDINANCE NO. PDW-91-01(Z)(P)
SARABAY MARINE, INC.

FILED FOR RECORD
R. P. SHORE
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

JAN 31 11 21 AM '92

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 GC/CH (GENERAL COMMERCIAL/COASTAL HIGH HAZARD AREA OVERLAY DISTRICT) AND RSF-4.5/CH (RESIDENTIAL SINGLE FAMILY, 4.5 DU/ACRE/COASTAL HIGH HAZARD AREA OVERLAY DISTRICT) TO PDW/CH (PLANNED DEVELOPMENT WATERFRONT/COASTAL HIGH HAZARD OVERLAY DISTRICT); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW AN INCREASE IN BOAT SLIPS FROM 70 TO 123.

RECEIVED
MANATEE COUNTY
JAN 29 4 54 PM '92

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 GC/CH (General Commercial/Coastal High Hazard Area Overlay District) and RSF-4.5/CH (Residential Single Family, 4.5 du/acre/Coastal High Hazard Area Overlay District) to PDW/CH (Planned Development Waterfront/Coastal High Hazard Overlay District).

B. The said Board of County Commissioners held a Public Hearing on January 23, 1992, 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 an increase in boat slips from 70 to 123 with the following stipulations and modification:

STIPULATIONS

1. A four-foot (4') wide sidewalk shall be provided along the east side of 127th Street West and the required sidewalk along 126th Street West shall be deferred until commencement of construction of the improvements for the Cortez Bridge replacement, or for five years, whichever comes first.
2. The applicant shall continue to maintain the existing street lighting along 127th Street West.

3. Prior to issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy, the Manatee Awareness/ Educational Display shall be installed. The specific Plan shall be approved prior to Final Site Plan.
4. Prior to issuance of Temporary Certificate of Occupancy or Certificate of Occupancy, signage indicating the existing parking areas are to be used by restaurant customers only shall be provided. The new parking lot shall be identified as parking for Marina customers.
5. A Hurricane Preparedness Plan shall be approved by the Division of Emergency Management prior to Final Site Plan approval.
6. The applicant shall comply with the "Fuel Spill Prevention, Cleanup and Contingency Plan" submitted as part of the applicant's narrative dated August, 1991.
7. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, all nuisance exotic plant species shall be removed from site, unless said removal would cause soil erosion which would be excessive and costly to prevent, as to be determined by the Environmental Action Commission.
8. All necessary Florida Department of Natural Resources and Florida Department of Environmental Regulation permits and all necessary State of Florida leases shall be obtained prior to Final Site Plan approval.
9. The underground fuel storage system shall have secondary containment and comply with requirements of Chapter 17-761, Florida Administrative Code.
10. Prior to construction plan approval, the Engineer of Record must provide documentation to prove concurrency has been met relative to fire flow. Approval of the Certificate of Level of Service Compliance is subject to satisfying the preceding condition.
11. Drainage design cannot be approved at the Preliminary level since it is not submitted until later in the development approval process. Therefore, this approval is conditioned upon approval of the engineering drainage design.

MODIFICATION

1. Modification to the Land Development Code to reduce the required side yard setback along the north riparian line from 15 feet to 0 feet.

Section 3. AMENDMENT OF 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 GC/CH (General Commercial/Coastal High Hazard Area Overlay District) and RSF-4.5/CH (Residential Single Family, 4.5 du/acre/Coastal High Hazard Area Overlay District) to PDW/CH (Planned Development Waterfront/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, Permitting and Inspections Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

REZONE PARCEL

LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND THE SOUTHERLY 90 FEET OF LOT 9, BLOCK "6", LYING NORTHERLY OF THE NORTHWESTERLY R/W OF "BAY VIEW DRIVE", AS DESCRIBED AND RECORDED IN O.R. BOOK 250, PAGE 615, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; ALSO THE SOUTHERLY 1/2 OF THAT CERTAIN VACATED ALLEY LYING BETWEEN BLOCK "6" AND BLOCK "7", AND BETWEEN THE EASTERLY AND WESTERLY LINES OF LOT 8, BLOCK "6", EXTENDED NORTHERLY, ALL BEING AND LYING IN THE "AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ S/D", PLAT BOOK 2, PAGE 59, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. SECTION 3, TOWNSHIP 35S., RANGE 16 E.

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHERLY 90 FT. OF LOT 9, BLOCK "6" OF THE "AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ SUBDIVISION", AS RECORDED IN PLAT BOOK 2, PAGE 59, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (SAID POINT ALSO BEING THE MOST NORTHERLY CORNER OF THE LANDS OF "SARABAY MARINE, INC."): THENCE N 64°01'11" W, ALONG THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF THE SOUTHERLY 90 FT. OF SAID LOT 9, BLOCK "6", A DISTANCE OF 35 FT. MORE OR LESS TO THE INTERSECTION OF THE EXISTING ZONING DIVISION LINE THAT LIES WITHIN SECOND AVENUE; THENCE S 25°53'32" W, ALONG SAID ZONING DIVISION LINE, PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK "6", 173 FT. MORE OR LESS TO THE INTERSECTION WITH THE CENTERLINE OF "BAY VIEW DRIVE" (127TH STREET WEST); THENCE S 57°14'30" W, ALONG SAID ZONING DIVISION LINE, PERPENDICULAR WITH THE CENTERLINE OF SAID BAY VIEW DRIVE, A DISTANCE OF 432 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 57°14'30" W, ALONG SAID ZONING DIVISION LINE, 123 FT.; THENCE N 32°45'30" W, 38 FT.; THENCE N 57°14'30" E, 25 FT.; THENCE RUN IN AN EASTERLY DIRECTION, 145 FT. MORE OR LESS TO THE POINT OF BEGINNING, BEING AND LYING IN THE WATERS OF "SARASOTA PASS" AND LYING OFFSHORE OF SAID BLOCK "6" OF THE "AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ SUBDIVISION".

PRELIMINARY SITE PLAN PARCEL

LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND THE SOUTHERLY 90 FEET OF LOT 9, BLOCK "6", LYING NORTHERLY OF THE NORTHWESTERLY R/W OF "BAY VIEW DRIVE", AS DESCRIBED AND RECORDED IN O.R. BOOK 250, PAGE 615, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; ALSO THE SOUTHERLY 1/2 OF THAT CERTAIN VACATED ALLEY LYING BETWEEN BLOCK "6" AND BLOCK "7", AND BETWEEN THE EASTERLY AND WESTERLY LINES OF LOT 8, BLOCK "6", EXTENDED NORTHERLY, ALL BEING AND LYING IN THE "AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ S/D", PLAT BOOK 2, PAGE 59, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. SECTION 3, TOWNSHIP 35S., RANGE 16 E.

ALL OF THE LAND AND FORESHORE LYING BETWEEN THE EXTENDED CENTERLINES OF SECOND STREET AND THIRD STREET, AS SHOWN ON THE AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 59, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SITUATE BETWEEN THE SOUTHWESTERLY BOUNDARY OF BLOCK 6 EXTENDED, SAID AMENDED PLAT OF CORTEZ, ADDITION TO CORTEZ AND THE WATERS OF SARASOTA BAY, TOGETHER WITH RIPARIAN RIGHTS THEREUNTO APPERTAINING.

TOGETHER WITH ALL PIERS, DOCKS, WHARVES, AND BULKHEADS EXTENDING THEREFROM OR CONNECTED THERETO.

LESS AND EXCEPT THAT TRACT OF LAND DEEDED TO MANATEE COUNTY BY DEED DATED MARCH 2, 1965, RECORDED IN O.R. BOOK 250, PAGE 615, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BUT IT IS INTENDED THAT THIS INSTRUMENT SHALL INCLUDE THE REVERTER CONTAINED IN SAID DEED IN THE EVENT SAID LAND SHALL CEASE TO BE USED AS A STREET.

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHERLY 90 FT. OF LOT 9, BLOCK "6" OF THE "AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ

SUBDIVISION", AS RECORDED IN PLAT BOOK 2, PAGE 59, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (SAID POINT ALSO BEING THE MOST NORTHERLY CORNER OF THE LANDS OF "SARABAY MARINE, INC."): THENCE N 64°01'11" W, ALONG THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF THE SOUTHERLY 90 FT. OF SAID LOT 9, BLOCK "6", A DISTANCE OF 35 FT. MORE OR LESS TO THE INTERSECTION OF THE EXISTING ZONING DIVISION LINE THAT LIES WITHIN SECOND AVENUE; THENCE S 25°53'32" W, ALONG SAID ZONING DIVISION LINE, PARALLEL WITH THE WESTERLY LINE OF SAID BLOCK "6", 173 FT. MORE OR LESS TO THE INTERSECTION WITH THE CENTERLINE OF "BAY VIEW DRIVE" (127TH STREET WEST); THENCE S 57°14'30" W, ALONG SAID ZONING DIVISION LINE, PERPENDICULAR WITH THE CENTERLINE OF SAID BAY VIEW DRIVE, A DISTANCE OF 432 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 57°14'30" W, ALONG SAID ZONING DIVISION LINE, 123 FT.; THENCE N 32°45'30" W, 38 FT.; THENCE N 57°14'30" E, 25 FT.; THENCE RUN IN AN EASTERLY DIRECTION, 145 FT. MORE OR LESS TO THE POINT OF BEGINNING, BEING AND LYING IN THE WATERS OF "SARASOTA PASS" AND LYING OFFSHORE OF SAID BLOCK "6" OF THE "AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ SUBDIVISION".

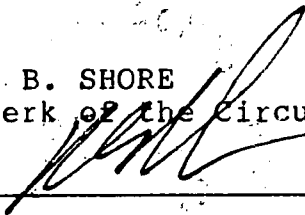
Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 23rd day of January, 1992.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Luther A. Swell
Chairman

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



STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. PDW-91-01(Z)(P) adopted by the Board of County Commissioners of said County on the 23rd day of January, 1992, this 27th day of January, 1992, in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
By: R. B. Shore D.C.



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250

(904) 488-8427

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE CO FLORIDA
JAN 31 11 17 AM '92

January 29, 1992

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

Attention: Robin Liberty, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of January 24, 1992 and certified copy of Manatee County Ordinance No. PD~~8~~91-01(Z)(P), which was filed in this office on January 29, 1992.

The duplicate copy showing the filing date is 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

Enclosure (1)