

MANATEE COUNTY ORDINANCE NO. Z-90-05(C)

CECIL AND BETTY REAGAN, ET AL

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 A (GENERAL AGRICULTURAL, 1 DU/5 ACRES) AND A-1 (SUBURBAN AGRICULTURAL, 1 DU/ACRE) TO PDR (PLANNED RESIDENTIAL DEVELOPMENT) AND PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

JUL 5 11 07 AM '90

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

JUL 11 2 22 PM '90

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 A (General Agricultural, 1 du/5 acre and A-1 (Suburban Agricultural, 1 du/acre) to PDR (Planned Residential Development).

B. The said Board of County Commissioners held a Public Hearing on June 28, 1989, 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. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Conceptual Development Plan titled River Oaks Gold and Country Club, is hereby APPROVED to allow 784 single family dwelling units at a density of 1.06 du/acre, 27 holes of golf, a 25,000 square foot clubhouse and related uses with the following stipulations:

1. Prior to commencement of wetlands alteration, the applicant shall submit a detailed mitigation plan to the Manatee County Planning Department as defined in the recommendation letter dated 4/12/90, from the Manatee County Environmental Services Coordinator.
2. A wetlands monitoring and maintenance plan shall be submitted prior to Preliminary Site Plan approval, to be approved by the Manatee County Planning Department, which provides for semi-annual reporting of species' survival rate in the first year, annual reporting of species' survival rate in the second and third years and annual reporting of species' survival rate in the fourth and fifth years for forested wetlands. Monitoring shall be scheduled to begin within one (1) year of Final Site Plan approval.

3. In the event that the species' survival rate any time falls below 85%, replanting shall be conducted at the expense of the developers/homeowners and monitored until such time that 85% survivorship is accomplished.
4. A conservation easement acceptable to Manatee County shall be given to Manatee County, prior to final site plan approval, covering the entire wetland and wetland buffer/setback area.
5. Deed restrictions shall specifically state that wetlands and buffers are to be maintained by a homeowner's or other association and that such areas shall not be altered or disturbed without the written approval of Manatee County.
6. Wetlands designated on the approved Conceptual Plan which will be mitigated at a 1.15:1 ratio shall only include wetlands numbers 1, 2, 4, 5, 6, 10, 11, 16, 18 and 21 and shall not include acreage from any other wetlands on site. Other wetlands requiring mitigation shall be mitigated at a 2:1 ratio for herbaceous wetlands and 4:1 ratio for forested wetlands.
7. In order to maintain the viability of connected wetlands which are to remain in a natural state, piping shall be required in all impacted areas, including upland cut ditches and wetlands, which serve as connections between wetlands and wetland systems and which are proposed to be filled as part of this development. Post-development flows throughout the wetlands on site shall be equal to or greater than pre-development flows.
8. The Preliminary Site Plan shall show bridges over all unmitigated wetlands through which golfers may pass while utilizing the golf course, either in playing one hole or while traveling between holes.
9. The Preliminary Site Plan shall show detail of the "flexible buffers". Where golf or other pathways or fairways are passing through a wetland buffer, an area equal to or greater than the impacted buffer must be provided elsewhere along the border of the same wetland.
10. The Preliminary Site Plan shall show an interior pedestrian/bikeway circulation system which encourages residents' use of non-wetland common areas and which connects the development to other adjacent developments.
11. Nature trails shall be provided around wetland and retention areas in the Phase II portion of this project and be shown as common open space on the Preliminary Site Plan.
12. Individual lot owner/homeowner interest in the golf course and country club shall be non-transferrable to residents outside of River Oaks and must be transferred from homeowner to homeowner as each lot/home is sold to subsequent owners so that future homeowners will have an interest in and access to the recreational facilities provided on site.
13. Golf paths and accessways running closer than thirty feet (30') to wetland areas shall preserve native vegetation to the maximum extent possible.
14. Underpass or overpass road crossings must be constructed, for the main north/south roadway, at all proposed road crossings for golf carts, unless these crossings are at controlled intersections. Controlled intersections shall be deemed to include those areas controlled by a stop sign.
15. Road improvements on Upper Manatee River Road and State Road 64 shall be required with the submittal of construction plans. The improvements shall include a left turn storage lane and acceleration/ deceleration lanes.

16. A five foot (5') sidewalk shall be provided along State Road 64 and Upper Manatee River Road.
17. The road side ditch on the south side of Upper Manatee River Road shall be piped along the entire length of the property frontage.
18. The Preliminary Plan shall show an additional interneighborhood tie as a "stubouts" to properties west of this site in the vicinity of lot 119.
19. Before any approval of a Preliminary Site Plan, the developer of the Reagan property will address its fair share contribution towards addressing school site acquisition needs in the east County area.

Section 3. AMENDMENT OF OFFICIAL ZONING ATLAS The official Zoning Atlas of Manatee County Ordinance No. 81-4, the Manatee County Comprehensive Zoning and Land Development Code is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A (General Agricultural, 1 du/5 acre and A-1 (Suburban Agricultural, 1 du/acre) to PDR (Planned Residential Development), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning and Zoning Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. Legal Description:

THAT CERTAIN PARCEL OF LAND LYING IN SECTIONS 20, 21, AND 28, TOWNSHIP 34 S., RANGE 19 E., MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 1/2 OF THE SOUTHEAST 1/4, THE NORTH 1/2 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 34 S., RANGE 19 E., LESS R/W ALONG THE NORTH SIDE OF SAID NORTHEAST 1/4 FOR UPPER MANATEE RIVER ROAD;

THE WEST 1/2 OF THE NORTHWEST 1/4, THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 34 S., RANGE 19 E., LESS R/W ALONG THE NORTH SIDE OF SAID WEST 1/2 OF THE NORTHWEST 1/4 FOR UPPER MANATEE RIVER ROAD AND LESS A STRIP OF LAND 585 FT. IN WIDTH FROM SAID WEST 1/2 OF THE NORTHWEST 1/4 AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1198, PAGE 3688, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND LESS THAT PART OF SAID NORTH 1/2 OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 LYING EASTERLY OF THE THREAD OF MILL CREEK, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1193, PAGE 2037, AFORESAID PUBLIC RECORDS;

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 AND THE EAST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 28, TOWNSHIP 34 S., RANGE 19 E., LESS R/W ALONG THE SOUTH SIDE THEREOF FOR STATE ROAD NO 64.

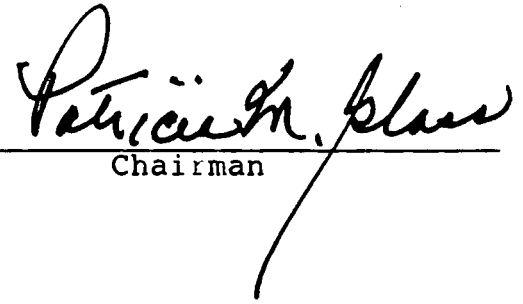
CONTAINING 740 ACRES MORE OR LESS.

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.

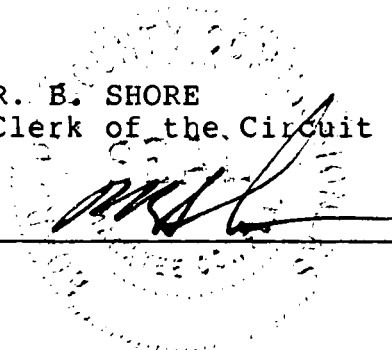
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 28th day of June, 1990.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:


Chairman

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



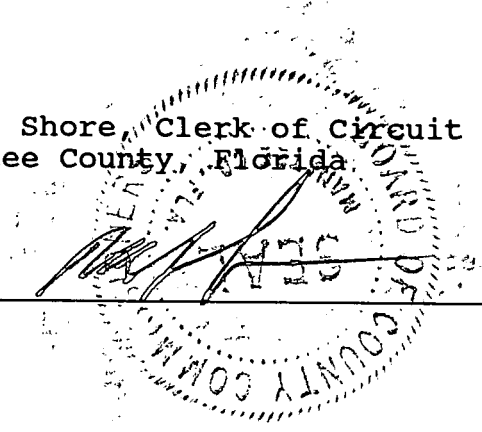
FILED FOR RECORD
R. B. SHORE
CLERK OF CIRCUIT COURT
MANATEE COUNTY, FLORIDA
JUL 11 2 23 PM '90
STATE OF FLORIDA
COUNTY OF MANATEE

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 28th day of June, 1990.

SUBJECT: ORDINANCE NO. Z-90-05(C)
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 A AND A-1 TO PDR; AND PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 3rd day of July, 1990, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



SECRET

JUL 9 11 07 AM '90

FILED



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY FLORIDA
JUL 11 2 22 PM '90

July 9, 1990

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

Attention: Richard Ashley, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters of July 3, & July 6, 1990 and certified copies of Manatee County Ordinance Numbers 290-04(C), 290-05(C), 290-07, 290-08 and 290-09(C), Zoning ordinances, which were filed in this office on July 9, 1990.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb