

MANATEE COUNTY ZONING ORDINANCE  
PDR-01-09(Z)(P) - RUTLAND RANCH/RIVER CHASE

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 A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER FIVE ACRES) AND A/CH (GENERAL AGRICULTURE, 1 DWELLING UNIT PER FIVE ACRES/COASTAL HIGH HAZARD OVERLAY) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) RETAINING THE CH (COASTAL HIGH HAZARD) OVERLAY; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 231 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) ADJACENT TO A PERENNIAL STREAM; 2) LOCATED WITHIN THE COASTAL EVACUATION AREA OVERLAY DISTRICT; 3) LOCATED WITHIN THE COASTAL PLANNING AREA; 4) LOCATED PARTIALLY WITHIN THE COASTAL HIGH HAZARD AREA; 5) LOCATED PARTIALLY IN THE COASTAL STORM VULNERABILITY AREA, AND 6) LOCATED PARTIALLY IN THE 25-YEAR FLOODPLAIN.

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 Agriculture, 1 dwelling unit per five acres) and A/CH (General Agriculture, 1 dwelling unit per five acres/Coastal High Hazard Overlay) to PDR (Planned Development Residential) retaining the CH (Coastal High Hazard) Overlay.

B. The Board of County Commissioners held a public hearing on January 29, 2002 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 a 231 lot single-family residential subdivision, and GRANTING Special Approval for a project: 1) adjacent to a perennial stream; 2) located within the Coastal Evacuation Area Overlay District; 3) located within the Coastal Planning Area; 4) located partially within the Coastal High Hazard Area; 5)

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located partially in the Coastal Storm Vulnerability Area, and 6) located partially in the 25-year floodplain subject to the following stipulations and specific approvals:

STIPULATIONS

A. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:

- A.1 No lots shall be platted through the pre-development 25-year floodplain or the regulatory floodway. The area south of the 25-year floodplain, along with what the Preliminary Site Plan identifies as Ranch Lots 42 thru 51, shall be dedicated to the County as a conservation easement. This area may be used for passive recreation. A conservation easement in a form acceptable to the County Attorney's Office, shall be submitted for review and approval prior to Final Plat approval. The Final Site Plan shall reflect the relocation of proposed lots in the pre-development 25-year floodplain to an area outside of the pre-development 25-year floodplain. These revisions may include the shifting of lots to maintain the approved total number of lots and any necessary changes to roadways, which do not affect the external access points. Said revisions may be made administratively and will not require an amendment to the Preliminary Site Plan. No floodplain compensation areas shall be located within the FEMA floodway.
- A.2 The project shall not increase the FEMA 100-year floodplain, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable. Additionally, there shall be a "No Rise Certification" on the regulatory floodway.
- A.3 Any roadway construction within the 100-year floodplain be elevated above the 100 year contour elevation.
- A.4 Any fill within the 25-year or 100-year floodplains of the Manatee River shall be compensated by creation of an equal or greater storage volume above the seasonal high water table.
- A.5 All wastewater lift stations, service cleanouts, and manhole rims shall be set 12 inches above the 25-year floodplain or 4 inches above the 100-year flood elevation, whichever is higher. However, the Project Management Department may approve service cleanouts and manhole rims installed no lower than 4" above the 25 year flood elevation. Design drawings must demonstrate tamper proof water tight manholes and cleanouts. Lift stations hatches shall be at least 4" above the 100-year elevation or 12" above the 25-year flood elevation, whichever is higher.
- A.6 This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into the Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
- A.7 Drainage at the Rye Road (Goddard Branch) crossing and additional right-of-way or drainage easements for the road side ditches will be addressed at construction plan review.
- A.8 Final engineering drainage design shall be approved with the Final Site Plan.

MANATEE COUNTY COLLECTIVE BOARD

- A.9 A conservation easement, in a form acceptable to the County Attorney's Office, shall be provided to the County prior to Final Plat approvals for any floodplain compensation areas on non-common property. The easement shall prohibit the alteration of these floodplain compensation areas.
- B. INFRASTRUCTURE CONDITIONS:
- B.1 The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.
- B.2 The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
- B.3 The applicant shall install dry lines for hook-up to future reuse lines and shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed lines become available, use of stormwater or groundwater for irrigation shall be converted to reclaimed lines.
- B.4 The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 9.6.14 of the Comprehensive Plan prior to Final Site Plan approval.
- C. ENVIRONMENTAL CONDITIONS:
- C.1 The section of the trail located north of Ranch Lot 51 shall be relocated outside of the wetland. EMD will approve the final location with the Final Site Plan.
- C.2 An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the EMD for review and approval prior to Final Site Plan approval. Where practicable, native, xeriscape landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
- C.3 Prior to Final Plat approval, the applicant shall remove all nuisance exotic plant species from upland portions of the project site, as required pursuant to Comprehensive Plan Policy 4.1.2.3.
- C.4 The applicant shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area." The type and location of such signs will be approved by the EMD prior to Final Site Plan approval.
- C.5 A minimum fifteen foot building setback shall be provided between the upland edge of the wetland buffer and any adjacent structures in accordance with Section 702.6.10 of the LDC, unless otherwise approved by EMD.
- C.6 Prior to development related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is

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required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.

- C.7 Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
- C.8 The applicant shall preserve a minimum of 7% of each native upland habitat found on-site. This shall be reviewed and approved by the EMD prior to Final Site Plan approval.
- C.9 The following lots, as identified on the Preliminary Site Plan, shall be redesigned so as not to be platted thru wetlands or wetland buffers:
- Ranch Lots 19 thru 22, 31 and 32, and the rear of Ranch Lots 29 and 30,
  - Estate Lot 14 and 32
  - Executive Lots 13 thru 20, 25 thru 31
- C.10 No docks shall be permitted within this development.
- C.11 Prior to Final Site Plan approval, the applicant shall submit a Well Management Plan. The applicant should contact the EMD Water Well Permitting Program for additional information required in the plan.
- C.12 An application for Fugitive Particulate abatement must be submitted to the Environmental Management Department at the time of Final Site Plan submittal and approved with the Final Site Plan.
- D. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:
- D.1 Prior to Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Homeowner's Association shall ensure that all subsequent purchasers receive copies of these documents.
- D.2 The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such a fee is adopted by the Board of County Commissioners prior to Certificate of Occupancy.

- D.3 The Notice to Buyers, disclosure statements, and Final Site Plan shall include language to inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.
- D.4 Prior to the final plat approval for the 100<sup>th</sup> unit, the following site related improvements are required:
- A. Provide an additional northbound left-turn lane at the intersection of SR 64 and Lakewood Ranch Boulevard/Upper Manatee River Road.
  - B. Signalize the intersection of SR 64 and Rye Road. If at the time of Final Plat Approval the signal does not meet warrants, then the Developer will contribute a proportionate share for the future construction of this signal.
  - C. All improvements must be shown on the construction plans. State Road improvements are subject to FDOT approval.
- D.5 Prior to the first Final Plat approval, the following site related improvements are required:
- a. Provide a northbound left-turn lane at the project main access on Rye Road.
  - b. The Final Site Plan and Construction Plans shall include right-turn refuge lanes, in-bound and out-bound, at the project entrance at Rye Road.
- D.6 All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.
- D.7 Dedication of additional right-of-way along Rye Road to Manatee County to provide a 60 foot half-width right-of-way shall be made with the first Final Plat.
- D.8 Notices to Buyers, Disclosure Statements, and Final Site Plans shall include language to inform homeowners in the project that this project is downstream of the Lake Manatee Dam, and that the dam is not designed or intended to be operated as a flood control device. Manatee County routinely releases water from the reservoir in anticipation of and during heavy rain events. In the worst case scenario, waters released from the dam, when combined with waters from storm events, may exceed the mapped 25-year and 100-year floodplains. This project has been designed to account for the 100-year storm event. In the worst case scenario, your property, similar to other properties in Manatee County, may flood.
- E. DESIGN AND LAND USE CONDITIONS:
- E.1 At time of Final Site Plan, the northern inter-neighborhood tie may be shifted to the east, along the north boundary of the site, as approved by the Planning and Transportation Departments, to provide a proper alignment with the future extension of Mulholland Road.
- E.2 The pavement and sidewalk for the northern inter-neighborhood tie shall be extended to the north boundary line of the project and shall be depicted as such on all future site plans.
- E.3 A non-ingress egress easement shall be recorded along the frontage of all lots along North Rye Road, except for Ranch Lot 21, prior to first Final Plat approval.

- E.4 The 20 foot greenbelt along the north and southeast boundary lines shall be planted with two offset rows of canopy trees placed 40 feet on center. The two rows will be offset from each other to give the appearance of trees located 20 feet on center.
- E.5 The 30 foot roadway buffer along North Rye Road shall be planted with three rows of trees (first row planted with canopy trees, second row may be planted with understory trees and the third row planted with canopy trees) spaced 40 feet on center, with 33 shrubs per 100 linear feet.
- E.6 Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Environmental Management Department (EMD).
- E.7 An interneighborhood tie shall be provided to the south, in the vicinity of Ranch Lots 27 and 28. The final location shall be reviewed and approved by staff with the Final Site Plan.
- E.8 The recreational amenities within the 4.8 acre park (the tot lot, basketball court, soccer or baseball field, benches, and bike rack) and the nature trail (path, boardwalks, benches and educational signs) shall be constructed or bonded prior to Final Plat approval of the second phase.
- E.9 The tot lot shall contain commercial grade playground equipment.
- E.10 The Notice-to-Buyers, along with a note on any Final Subdivision Plat which includes these area, shall inform all lot owners of the presence of inter-neighborhood ties and the possible future extension of Mulholland Road along
- the north property line extending to North Rye Road, and that traffic from the surrounding properties, when developed, may use the roads within this development.
- E.11 The Notice to Buyers and the Final Site Plan shall include language to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
- E.12 The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required when and if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
- E.13 The 15 foot wide common area landscape buffer located along the boulevard entrance shall be extended to the west property line of Estate Lot 32, as identified on the Preliminary Site Plan.
- E.14 Prior to Final Plat approval for each phase all existing barbed-wire fencing must be removed.
- E.15 Pedestrian and equestrian trail facilities shall be provided along Rye Road for the length of the project. The type of construction and construction details shall be determined at Final Site Plan.

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SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 907.9.4.1 of the Manatee County Land Development Code to allow the northern most cu-de-sac, near Ranch Lots 5 and 6, to be longer than 800 feet.
2. Specific Approval of an alternative to Section 907.9.4.1 of the Manatee County Land Development Code to allow the southern most cu-de-sac, near Ranch Lots 18 - 23, to be longer than 800 feet.

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 A (General Agriculture, 1 dwelling unit per five acres) and A/CH (General Agriculture, 1 dwelling unit per five acres/Coastal High Hazard Overlay) to PDR (Planned Development Residential) retaining the CH (Coastal High Hazard) Overlay, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

ALL THAT PORTION OF THE FOLLOWING DESCRIBED IN TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT-OF-WAY OF RYE ROAD:

IN SECTION 10:  
THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4

IN SECTION 11:  
THE SOUTH 1/4, LESS THE FOLLOWING DESCRIBED PROPERTY:  
THE NORTH 84 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 LYING WEST OF RYE ROAD, AND THE NORTH 84 FEET OF THE EAST 134 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 34 SOUTH, RANGE 19 EAST.

IN SECTION 13:  
THE NORTHWEST 1/4 LESS THAT PART DESCRIBED AS: BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4, RUN THENCE S 00° 07' 49" W, ALONG THE WEST LINE THEREOF 665.05 FEET TO THE POINT OF BEGINNING, CONTINUE THENCE SOUTH ALONG THE WEST LINE OF THE NORTHWEST 1/4 TO THE SOUTHWEST CORNER THEREOF, THENCE EAST ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 TO THE WESTERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD (KNOWN AS RYE ROAD), THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT N 89° 25' 27" E, OF THE POINT OF BEGINNING, THENCE S 89° 25' 27" W 50.48 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

IN SECTION 14:  
THE NORTH 1/4 OF NORTHEAST 1/4, AND THAT PART OF THE NORTHWEST 1/4 LYING NORTH OF THE MANATEE RIVER.

IN SECTION 15:  
THAT PART OF THE EAST 1/4 LYING NORTH OF THE MANATEE RIVER.

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 29<sup>th</sup> day of January, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: *Guy Stein*  
Chairman 3-12-02

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

By: *Russ Romine*



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 14<sup>th</sup> day of

March, 2002

R.B. SHORE  
Clerk of Circuit Court

By: *Kent Hendry*

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
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MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF ELECTIONS

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Historic Florida Keys Preservation Board  
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March 19, 2002

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

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 14, 2002 and certified copy of Manatee County Ordinance No. PDR-01-09(Z)(P), which was filed in this office on March 19, 2002.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Form was not received for the above mentioned ordinance.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270  
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)