

REVISED PRELIMINARY SITE PLAN
PDR-98-17(P)(R4) - RIVER WILDERNESS ASSOCIATES, LTD

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code); and finding PDR-98-17(P)(R4) consistent with Manatee County Ordinance No. 89-01 (the 2020 Manatee County Comprehensive Plan), Revised Preliminary Site Plan PDR-98-17(P)(R4) – RIVER WILDERNESS ASSOCIATES, LTD is hereby approved to allow 178 lots for single-family detached residences, an R.V. and boat storage area, a community park, relocation of an existing boat ramp, and a new dock at the boat ramp, 127 boat slips on an interior basin system with navigable access to the Manatee River, and 29 individual docks and 10 observation piers along the Manatee River, and GRANT Special Approval for a project: 1) adjacent to a perennial stream; 2) at least partially within the CH (Coastal High Hazard Area); 3) the CEA (Coastal Evacuation Area); and 4) the CSVA (Coastal Storm Vulnerability Area) Overlay Districts subject to the following stipulations:

STIPULATIONS:

A.1 A minimum 50-foot-wide roadway buffer shall be provided along Fort Hamer Road in Subphase M. The required landscaping in this roadway buffer, as specified in the following and generally depicted in Figure 604.10.3.5, shall provide 85% opacity to a height of six (6) feet as viewed from the edge of pavement from the nearest outside travel lane of Fort Hamer Road within three (3) years from the date of the first Final Plat or Certificate of Occupancy, whichever occurs first.

Unless a landscaping design from the North Central Overlay Planting Manual is used, the following plantings are required in the buffer.

- (a) Canopy trees. Three (3) canopy trees per 100 linear feet of buffer, or fraction thereof, whichever occurs first, which meet the following minimum standards:
 - (i) three (3) inch caliper as measured 6 inches from the base of the tree;
 - (ii) twelve (12) feet in height;
 - (iii) five (5) feet spread.
- (b) Understory evergreen trees. Six (6) understory evergreen trees per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:
 - (i) two inch caliper as measured 6 inches from the base of the tree;
 - (ii) six (6) feet in height;
 - (iii) three (3) feet spread.
- (c) Evergreen shrubs. Thirty three (33) evergreen shrubs per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

(i) 30-inches in height

Buffers shall be planted in an informal, staggered manner. Buffers shall be entirely planted prior to the first Final Plat approval. Meandering sidewalks or trails within roadway buffers are permitted subject to approval by the Planning Department. Also, required landscaping of the portion of the project located in the North Central Overlay District shall conform to the LDC Section 604.10.3.3 Design Standards (a through n).

- A.2 All development on this site shall maintain a 30' waterfront setback.
- A.3 The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective home buyers of:
- (a) The emergency access easement at Fort Hamer Road for Subphase K.
 - (b) That they are purchasing a home in a Coastal Evacuation Area.
 - (c) The existence of emergency access points and their location within each Subphase.
 - (d) Project Development and Environment (PD&E) Study initiated by the Florida Department of Transportation (FDOT) for location and design concept acceptance for the bridge connection of Upper Manatee River and Fort Hamer Roads.
 - (e) The fact that Manatee River and Gamble Creek are known to be frequented by Manatees. Boat rentals, personal watercraft rentals, live aboards, and repair activities shall be prohibited from all docks and the boat ramp.
- A.4 The second means of access for Phase III of the development shall be constructed prior to Final Plat approval for the 101st platted lot.
- A.5 All internal sidewalks shall be 5' in width on both sides of the street.
- A.6 Five-foot-wide sidewalks are required along the project boundaries on south side of Old Tampa Road and the west side of Fort Hamer Road prior to first Final Plat approval, except the sidewalk along Subphase M. This sidewalk shall be constructed prior to Final Plat approval for this subphase. The Planning Director may modify the location of the sidewalk on the west side of Old Tampa Road, or defer it's installation to be consistent with proposed plans for the Upper Manatee/Fort Hamer Road Bridge. If this sidewalk is deferred a contribution to the sidewalk fund shall be made in the amount of engineering, permitting, and construction costs of the sidewalk.
- A.7 Required setbacks shall be as follows:

Single-family detached lots:

Front	25'
Side	7.5'
Rear	15' *

* Provided, however, no structures or buildable areas shall be permitted within the drainage easement areas.

Additionally a stormwater maintenance easement within the drainage areas shall be recorded in favor of the Homeowner's Association and SWFWMD over the dry retention areas, which will prohibit all structures, buildable area, paving, creation of impervious area, placement of lawn furniture, patios, pools, pool cages, or fences within the drainage retention areas. The only exception shall be for access to docks which shall be placed in accordance with the SWFWMD permit.

Included in the maintenance easement shall be plans for common maintenance of the easement areas consistent with the SWFWMD permit and a prohibition against the application of chemicals within the easement areas.

- A.8. The stormwater easement areas shall be delineated on individual lots with signage similar to the signs required for the identification of wetland buffers.
- A.9. Notice to Buyers and Homeowners Documents shall advise future residents of the limitations on use of the dry retention areas in a manner acceptable to the County Attorney's Office prior to the Final Plat.
- A.10 There shall be no vacation of the easements to permit future construction or encroachments.
- A.11 The minimum floor area for all homes shall be 1,600 sq. ft.
- A.12 The community park along the Manatee River shall contain off-street parking for 10 vehicles, shade trees, grills, benches, and picnic tables. The existing tot lot within River Wilderness shall be upgraded to include a commercial grade tot lot with 7 or more play activities with the first Final Plat.
- A.13 The internal bridge in phase III shall be constructed with the first subphase. Prior to the construction of this bridge, the developer shall use all reasonable effort to bring construction traffic into Phase III, south of the wetland, by way of Ft. Hamer Road. After construction of this bridge, all construction traffic shall enter and leave from Fort Hamer Road.

PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

- B.1 The main spine road to Ft. Hamer shall be constructed at an elevation above the 100-year floodplain, with the first Final Plat.
- B.2 The applicant shall be responsible for any additional on-site or off-site transportation safety improvements necessary to accommodate this project, as determined by the Planning Department, based on the findings of the future traffic study.
- B.3 The applicant shall be responsible for any additional on-site or off-site capacity related transportation improvements required as a condition of a CLOS for this project.

- B.4 The Final Plat shall establish a non-vehicular ingress and egress easement for all frontage on Old Tampa and Fort Hamer Roads. This requirement does not apply to approved roadway or emergency access points.
- B.5 All roads within the project shall be private.
- B.6 Entrance off of Fort Hamer shall be designed and constructed in accordance Upper Manatee River Road Bridge project and shown on the attached sketch entered into the record. The Transportation Department shall have final approval for location and design.
- B.7 A 75' half-width right-of-way shall be dedicated prior to first Final Plat approval along Fort Hamer Road.

UTILITIES CONDITIONS:

- C.1 All infrastructure, including gravity sewer, lift stations, service cleanouts, and manhole rims shall be set at 12 inches above the 25-year floodplain or 4 inches above the 100-year floodplain. Subject to MCUO review and approval of fully detailed design drawings, demonstrating a tamper proof watertight wastewater collection system, manhole rims and cleanouts may be installed no lower than 4" above the 25-year flood elevation. Lift station hatches and telemetry systems shall always be at least 4" above the 100 year flood elevation or 12" above the 25-year flood elevation, whichever is higher.
- C.2 All water and sanitary sewer mains, and facilities to be dedicated to Manatee County for perpetual maintenance, must lie within dedicated utility easements as described in County Resolution R-99-115.

ENVIRONMENTAL CONDITIONS:

- D.1 Prior to commencement of construction, a permit shall be obtained from the Florida Fish and Wildlife Conservation Commission (FFWCC) for the relocation/preservation of gopher tortoises.
- D.2 An Integrated Pest Management Plan (IPM) for fertilizers, herbicides, and pesticides for all common areas within the development shall be submitted to the EMD for review and approval prior to Final Site Plan approval. A Maintenance Manual shall be developed as a part of the IPM for maintenance staff, and shall be kept on-site available for the maintenance crew.
- D.3 An Exotic Plant Species Removal Plan shall be submitted by the applicant and approved by the County prior to the first Final Site Plan approval.
- D.4 Unless otherwise approved by Planning Department, native or naturalized plant species indigenous to Manatee County or xeriscape plant species, shall be utilized for required landscaping within common areas. In addition, the developer shall disseminate information on the Florida Yards and Neighborhood Program to individual lot owners.
- D.5 The applicant shall provide for removal of debris and other obstructions within existing

drainage ways within the project boundaries as each subphase is constructed and platted. Compliance with this stipulation shall be demonstrated prior to Final Plat Approval.

- D.6 Land clearing shall not commence until Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific Subphases receiving approval and shall be conducted simultaneously with construction of required improvements.
- D.7 Replacement canopy trees placed on individual lots shall be planted in accordance with Section 714.8.4 and be consistent with the landscape plan submitted with the amended Preliminary Site Plan (three different species for canopy trees will be required). If a tree is required on a lot, and if the property owner removes the tree, they must replace it. Also, the remainder may be planted elsewhere in River Wilderness, or as allowed by code, including payment to the Tree Trust Fund. These details shall be shown and approved with the first Final Site Plan and Construction Plan approval. No Certificate of Occupancy or Temporary Certificate of Occupancy shall be issued for a house on a lot until a licensed landscape architect has certified to the Planning Department that all required replacement trees have been installed, that such trees are of at least Florida grade #1 stock, that the trees have been planted using proper installation techniques and that the trees have not been planted in a manner to interfere with a drainage swale or planted within 15' of a building pad or pool cage or enclosure. Certification for tree replacement trees planted on individual lots shall also be required for the subphases to the north under construction prior to first Final Plat approval. The Homeowner's documents shall contain information informing the owners of all the required trees on the lot and in accordance with the requirements of Section 714.8.4, and should removal be required, such removal shall require a Tree Removal Permit in accordance with Section 714.2 and tree replacement. Only pruning of required trees shall be allowed in accordance with Section 714.2.2.8 and this language shall be noted in the homeowner documents and Notice-To-Buyer.

Replacement trees damaged by natural calamities on individual residential lots removed must be replaced with the same size and type of tree as originally planted. This includes any areas of common ownership or trees shown on the site plan.

- D.8 The developer shall remove the existing boat ramp and docks as shown and noted on the Preliminary Site Plan. The new boat ramp shall be constructed with Phase 1.
- D.9 Access and drainage easements shall be provided for any County stormwater entering the site from County roads.
- D.10 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. This requirement shall be recorded in the Homeowner's Documents.

- D.11 On-site monitoring by a professional archaeologist shall take place during all infrastructure installation through wetland areas.
- D. 12 Prior to each Final Plat approval for Phase III, all nuisance exotic plant species shall be removed from the site (including island areas with Subphase G), in accordance with Policy 4.1.1.6 of the Comprehensive Plan.
- D.13 A deed restriction shall be filed with the Final Plat containing the following language: "No residence or related structures (such as a pool) may be built within the area of the existing Floodway line on Lots 1, 2, 3, 4, 5, 6, 20, 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45, and no building permit will be issued by Manatee County for building outside the floodway line on these lots, until Developer's engineer either: i) provides the engineering required by the land development code to build on such a lot; or ii) files one or more affidavits, joined by the Manatee County Building Official, or his designee, that the Letter of Map amendment has been approved moving the Floodway outside the platted lots.
- D.14 Prior to Final Site Plan approval, the site shall be re-evaluated for the presence of threatened and endangered species.
- D.15 A minimum 30' wetland buffer shall be provided along the Manatee River, with the buffer measured from the upland edge of any rip-rap installed along the River. The 30' of wetland buffer contiguous to the Manatee River, and/or the coastlands adjacent thereto, shall be enhanced with native plantings as approved by the Planning Department. Provided, however, River Wilderness shall not be required to enhance those areas of the wetland buffer having existing native plants sufficient to fulfill this requirement.
- D.16 State and federal permits for the proposed individual lot docks and boat ramp facility shall be obtained prior to County Building Permit approval.
- D.17 The Developer shall use the lowest quality water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including those in individual lots.
- D.18 Boats docked within this development shall be restricted to a maximum draft of 2.5 feet.
- D.19 The proposed footprint of all docks shall be delineated on the Final Site Plan. Appropriate safety lighting shall be installed on any docks within lots 1 - 5. Docks for Lots 1 - 5 shall be no longer than 15' or minus 3' water depth, whichever is greater.
- D.20 The applicant shall demonstrate compliance with LDC Section 603.14.5.3, and 603.14.5.4, Operational Guidelines for Waterfront Uses. The applicant shall erect "idle no-wake", manatee awareness, and manatee education signs in locations approved by the County with the Final Site Plan.
- D.21 The use of the boat slips shall be limited to boats owned by residents of this development only. Establishment of a "boat club" which owns the boats and sells or

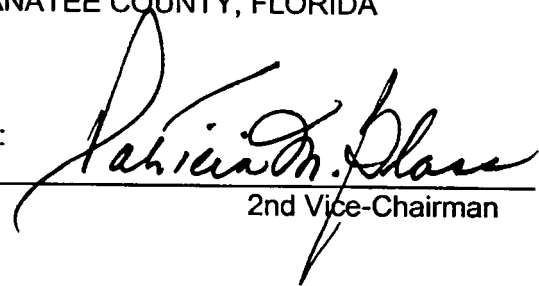
leases time shall be prohibited.

- D.22 Boat rentals, personal watercraft rentals, live aboards, boat maintenance, and repair activities shall be prohibited from all docks and the new boat ramp.
- D.23 The applicant shall contribute \$10,000 in payment to Manatee County Government for signage for the purpose of Manatee Awareness.
- D.24 Two slips shall be provided for the Manatee County Sheriff's Office and the State of Florida (2 slips total).
- D.25 The area between the buildable area and the waterfront of the interior lots shall be planted with the appropriate groundcover and plantings to protect water quality as approved by the Planning Department with the Final Site Plan. The intent of the stipulation is to prevent chemical application.
- D.26 All docks shall be consistent with the approved Manatee Protection Zones. This shall be identified and approved by the Planning Department with the Final Site Plan.
- D.27 The rip-rap placement shall be designed to be aesthetically pleasing and natural in appearance within 5 years. Details and plantings shall be shown and approved with the Final Site Plan by the Planning Department.
- D.28 A portable pump-out shall be provided by the applicant. Details to be shown with the Final Site Plan.
- D.29 All dredging shall be the responsibility of River Wilderness.

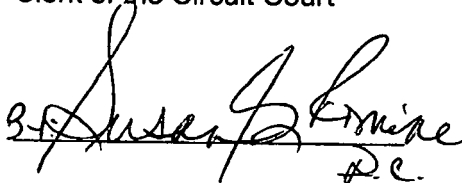
APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this 24th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

BY:


2nd Vice-Chairman

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


R.B.

