

**MANATEE COUNTY ORDINANCE
PDR-02-28(P)(R4) – GIBRALTAR-NOTTINGHAM HEIGHTS, L.L.C./BOUGAINVILLEA
PLACE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-02-28(P)(R2) PERTAINING TO APPROXIMATELY 38.78 ACRES ON THE EAST SIDE OF 60TH AVENUE EAST AND SOUTH OF 29TH STREET EAST AT 2603 60TH AVENUE EAST, ELLENTON, IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING ORDINANCE NO. PDR-02-28(P)(R4), AMENDING AND REPLACING PDR-02-28(P)(R2), WHICH WAS APPROVED ON MARCH 1, 2007, TO AMEND STIPULATION A.10, TO MODIFY THE MINIMUM FRONT YARD SETBACKS; SETTING FORTH FINDINGS, PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gibraltar-Nottingham Heights, L.L.C. (the "Applicant") filed an application to revise a Zoning Ordinance and Preliminary Site Plan previously approved on March 1, 2007 (the "March 1, 2007 Preliminary Site Plan") pertaining to property on the east side of 60th Avenue East, and south of 29th Street East at 2603 60th Avenue East, Ellenton in the PDR (Planned Development Residential) zoning district, this property being more specifically described in Exhibit "A", attached hereto; and

WHEREAS, the revised Zoning Ordinance amends Stipulation A. 10 to modify the minimum front yard setbacks; and

WHEREAS, the Applicant also filed a request for Special Approval for a project within the Entranceway; and

WHEREAS, Planning staff recommended approval of the amendment to amend Stipulation A.10 to modify the minimum front yard setbacks ; and

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on October 6, 2011 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the revised Zoning Ordinance and Preliminary Site Plan, subject to the stipulations set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY AS FOLLOWS:

Section 1. FINDINGS OF FACT: The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for the revised zoning ordinance and site plan, as well as all other matters presented to the 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 staff concerning the application for

a revised Zoning Ordinance as it relates to the real property described in Exhibit "A" of this Ordinance.

- B. The Board of County Commissioners held a duly noticed public hearing on October 6, 2011 regarding the revised Zoning Ordinance and 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 the public hearing.

Section 2. AMENDMENT OF MARCH 2007 PRELIMINARY SITE PLAN APPROVAL:

Ordinance No. PDR-02-28(P)(R) and PDR-02-28(P)(R2) are hereby amended to to amend stipulation A.10 upon the property described in Exhibit "A", subject to the stipulations contained herein. The Board hereby GRANTS Special Approval for a project within the Entranceway; subject to the following Stipulations;

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland (with the exception of any Planning Department approved impacts), or wetland buffers.
2. If a fence or wall is utilized within any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence.
3. No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
4. The north landscape buffer, along 29th Street East, shall be a minimum of 25 feet wide. The buffer shall be planted with two rows of trees (one row of canopy trees with a 3" caliper, 12' in height, with a 5' spread and one row of understory trees with a 2" caliper, 6' in height, with a 3' spread) off-set 25' on-center with a hedge and a fence or wall. Existing vegetation fulfilling the requirements of this stipulation may be used to satisfy this requirement.
5. Existing native vegetation, excluding nuisance exotics, shall remain in the landscape buffers. If the removal of nuisance exotic vegetation reduces the density or opacity of any landscape buffer, the applicant shall be required to plant additional native vegetation which will achieve 80% opacity to a height of six (6) feet, as certified by a Landscape Architect, within two years from the date of issuance of the first Certificate of Occupancy.
6. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house lights may be permitted. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.

7. The putting green and 4 (four) canopy trees shall be depicted on the Final Site Plan.
8. The design of the two-story, single-family attached units shall be in substantial conformance with the elevations entered into the record for this case.
9. The units along 29th Street East shall be limited to 1 story with no more than 4 units per building.
10. The front-yard setback shall be 20 feet where there are no sidewalks, otherwise, the front-yard setback shall be 25 ~~23~~ feet to the garage and 20 feet for the remainder of front of the structure (see attached Exhibit B).
11. The developer is put on notice that the County and School Board are required to establish school concurrency. Until such time as the details of that program are adopted, this approval does not guarantee capacity under the terms of the future program, to the extent school concurrency is legally applicable to the project.

B. ENVIRONMENTAL CONDITIONS:

1. The developer shall provide signs adjacent to post-development wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan. Signs shall be installed prior to Final Plat approval.
2. Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
3. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to Final Site Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the Final Plat approval, in accordance with LDC Section 715.4.
4. Construction is not authorized with this approval. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department for review and approval pursuant to LDC Section 508.3.4.7.j. Final Site Plans, Construction Plans, ERP and NPDES permit approvals must be obtained prior to submittal of the ESCP. Construction or land clearing is not authorized until an ESCP has been approved by the Planning Department and all required meetings have been completed.
5. A Water Well Construction Permit shall be obtained from the ~~EMD~~ Natural Resources Department (NRD) prior to construction of any proposed well(s).
6. An ERP approved by SWFWMD shall be provided to the ~~NRD~~ Building and

Development Services Department for review prior to Final Site Plan approval.

7. Prior to development-related land clearing activities, all applicable County approvals shall be obtained through the Building and Development Services Department. If burning of trees or branches is required for land clearing, a burn permit shall be first obtained. No burn permits shall be issued until Final Site Plans/Construction Plans are approved. Any burning permits for this site shall include a protocol for advanced notice to surrounding residents.
 8. A check in the amount of \$16,750.00 and associated agreement documents were previously submitted for Mitigation Security by "Landview, LLC." Prior to Final Site Plan approval, the Agreement for Warranting the Required Wetland Mitigation System shall be updated to accurately reflect "Gibraltar- Nottingham Heights, LLC" as the current owner.
 9. A Wetland Buffer Restoration Plan shall be submitted to the Planning Department for review with the Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation. Wetland buffer restoration shall be completed prior to Final Plat approval.
 10. Trees to be preserved shall have barricades placed at their driplines prior to commencement of construction. No improvements fill, grade changes, or compaction of soil due to heavy machinery will be permitted within the dripline of trees to be preserved.
- C. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:
1. Prior to Final Site Plan Approval, the applicant shall obtain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety.
 2. 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 homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.
 3. The developer shall construct 29th Street East along the Project's northern boundary, including a 5-foot wide sidewalk (on the south side of the road, west of the entrance) to Manatee County Standards, in accordance with the exhibit presented by the applicant at the hearing.
 4. The area south of the southern cul-de-sac shall be platted as a common open tract with the Final Plat and shall be deeded to the homeowner's association subsequent to the recording of the Final Plat.
 5. Pursuant to Section 722.1.4.4 of the LDC, the developer shall provide a sidewalk on 60th Avenue East. The sidewalk shall be extended to connect with existing sidewalks which are 1,000 feet or less from the outer boundaries of the proposed development. At a minimum, the sidewalk along 60th Avenue East shall extend from the project to 29th Street East. The extension of the sidewalk shall be depicted on the Final Site Plan and Construction Plans.

6. Any property lying within 60 feet of the existing centerline of 60th Avenue East, which has not yet been dedicated to the County for right-of-way, shall be shown as a right-of-way easement on the Final Plat. This area may be utilized as open space, landscaped buffer, or for stormwater facilities.

D. INFRASTRUCTURE CONDITIONS:

1. Prior to Final Site Plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow, per Comprehensive Plan Policy 9.6.1.4.
2. The lowest possible quality of water shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
3. The applicant shall install dry lines for hook-up to future reuse lines 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 use of reclaimed water.

Section 3 CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such sentence, section, clause, or other such provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional, the remaining sections, sentences, clauses, or provisions of this Ordinance.

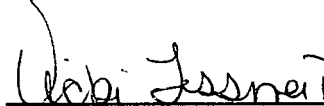
Section 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 6th day of October, 2011.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Carol Whitmore, Chairman

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

BY: 
Deputy Clerk

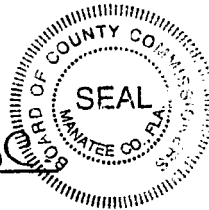


EXHIBIT "A"

LEGAL DESCRIPTION.

COMMENCE AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00 DEGREES 30'3"W, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 1305.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE. S.00 DEGREES 30'23" W, ALONG SAID EAST LINE, A DISTANCE OF 1305.00 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF SAID SECTION 9; THENCE S.00 DEGREES 34' 25" W, ALONG THE EAST LINE OF THE S.E. 1/4, A DISTANCE OF 315.70 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE N.E. 1/4 OF SAID S.E. 1/4; THENCE S. 89 DEGREES 17'56" W, ALONG SAID SOUTH LINE, A DISTANCE OF 1115.94 FEET; THENCE N. 00 DEGREES 39'56" W, A DISTANCE OF 100.00 FEET; THENCE S. 89 DEGREES 20'04" W, A DISTANCE OF 164.10 FEET; THENCE N. 00 DEGREES 09'05" W, A DISTANCE OF 200.00 FEET; THENCE S. 89 DEGREES 20' 03" W, A DISTANCE OF 15.00 FEET TO AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 60TH AVENUE EAST; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) N. 00 DEGREES 09'05" W, A DISTANCE OF 378.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 3427.56 FEET; (2) NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 04'16", A DISTANCE OF 303.37 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE S.E. 1/4 OF AFORESAID N.E. 1/4; THENCE N. 89 DEGREES 54'51"E, ALONG SAID NORTH LINE, A DISTANCE OF 647.70 FEET TO THE SOUTHWEST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID N.E. 1/4; THENCE N. 00 DEGREES 25' 27" E, ALONG THE WEST LINE OF THE N. E. 1/4 OF THE S. E. 1/4 OF SAID N.E. 1/4, A DISTANCE OF 653.37 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF 29TH STREET EAST; THENCE N. 89 DEGREES 59'21" E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 674.02 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE: 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH A SIGN EASEMENT BENEFITTING THE ABOVE DESCRIBED PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 1188, AT PAGE 3126 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

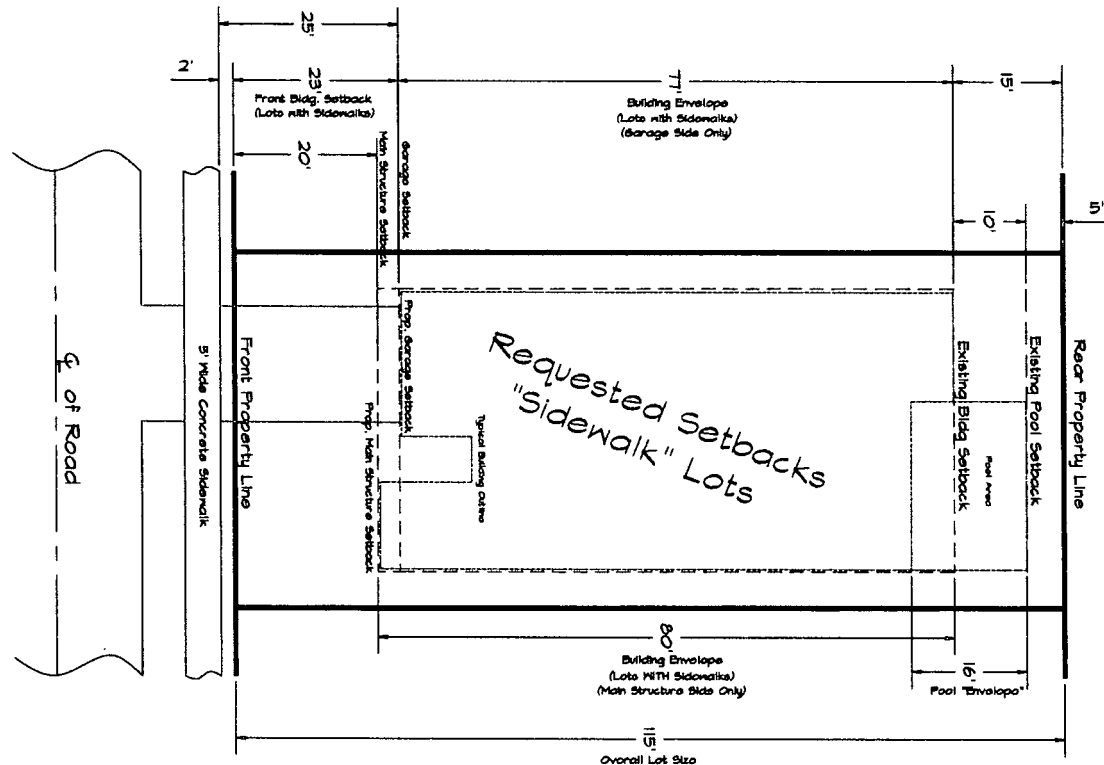
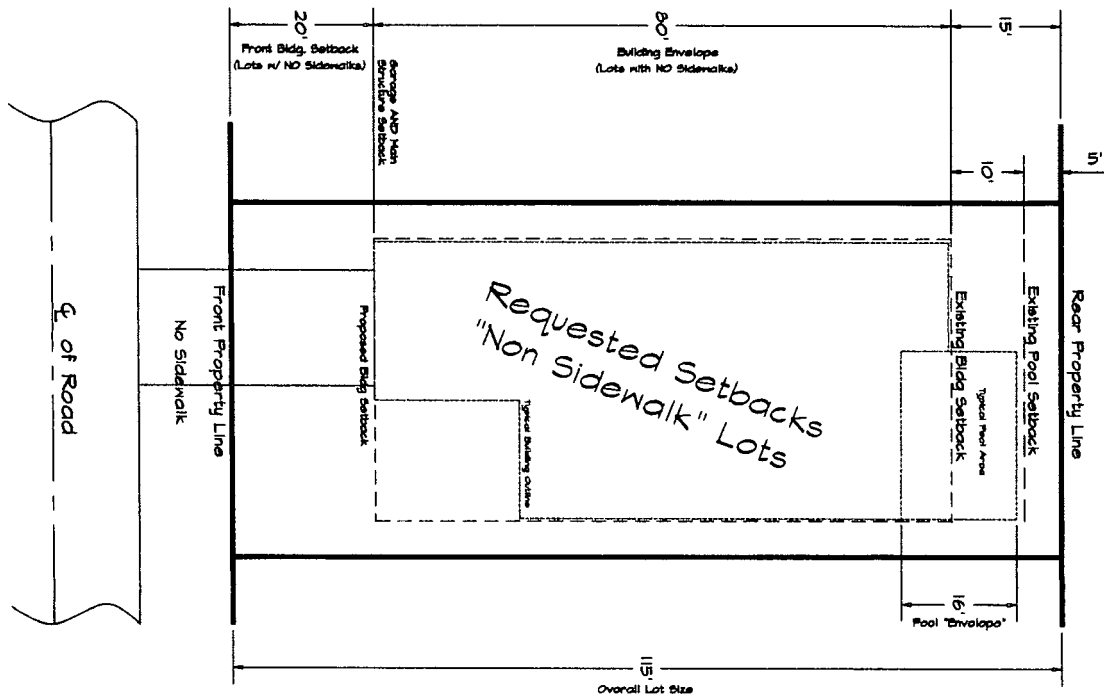


Exhibit "B"



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 11th day of

October, 2011

R.B. SHORE
Clerk of Circuit Court

By: *[Signature]* D.C.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

October 18, 2011

RECEIVED

OCT 20 2011

BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 12, 2011 and certified copies of Manatee County Ordinance Nos. 11-31, PDMU-98-08(G)(R5), Z-11-06, PDR-02-28(P)(R4) and PDMU-11-10(P), which were filed in this office on October 17, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/jw

Enclosure



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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