

FILED FOR RECORD
R. B. SHORE

2011 MAR 30 AM 11:39

MANATEE COUNTY ORDINANCE

PDR-03-30(P)(R) – GAMBLE CREEK ESTATES DTS#20100202

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND PRELIMINARY SITE PLAN, REVISING STIPULATIONS REGARDING THOROUGHFARE RIGHT-OF-WAY DEDICATIONS, IMPACT FEE CREDITS, BUFFERS, LANDSCAPING, NATURAL RESOURCES, BUILDING SETBACKS, NUMBER OF LOTS, LOT SIZES, LOT DIMENSIONS, BUILDING HEIGHT, BUILDING COLOR, PUBLIC WATER AND SEWER UTILITIES, IRRIGATION WATER, STORMWATER MANAGEMENT, ACCESS, PARKS, RECREATION FACILITIES, FIRE HYDRANTS, CONTAMINATION BY HAZARDOUS MATERIALS, LAND CLEARING, REMOVAL OF OLD HOUSES EXISTING PRIOR TO PLATTING, LIGHTING, TREE PROTECTION, NATIVE VEGETATION, AND EDUCATIONAL FACILITY IMPACT FEES, APPLYING TO APPROXIMATELY 164 ACRES IN GAMBLE CREEK ESTATES LOCATED NORTH OF GOLF COURSE ROAD AND WEST OF SPENCER PARRISH ROAD IN THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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2011 MAR 17 AM 11:33
CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

WHEREAS, Gamble Creek Estates (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 164 acres described in Exhibit "A", attached hereto, (the "Property") to approving an amended Zoning Ordinance, revising stipulations regarding thoroughfare right-of-way dedications, buffers, landscaping, natural resources, building setbacks, number of lots, lot sizes, lot dimensions, building height, building color, public water and sewer utilities, irrigation water, stormwater management, access, parks, recreation facilities, fire hydrants, contamination by hazardous materials, land clearing, removal of old houses existing prior to platting, lighting, tree protection, native vegetation, and educational facility impact fees, in Gamble Creek Estates located north of Golf Course Road and west of Spencer Parrish Road in the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district; and

WHEREAS, Planning Department staff recommended approval of the revised Preliminary Site Plan; application subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on October 14, 2010, November 10, 2010 and December 9, 2010 to consider the amended Zoning Ordinance, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the amended Zoning Ordinance consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval subject to the stipulations contained in the staff report.

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

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, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, 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 Commission concerning the application for an amended Zoning Ordinance as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held duly noticed public hearings on November 4, 2010, December 2, 2010, January 6, 2011, February 3, 2011, and March 3, 2011 regarding the proposed amended Zoning Ordinance 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.
- C. The proposed revised Zoning Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN. The amended Zoning Ordinance is hereby approved subject to the following Stipulations:

STIPULATIONS

1. The Final Site Plan(s) shall show the following buffers:
 - a. The roadway buffers along Golf Course Road and Spencer Parrish Road shall be a minimum of 55' (37' wide roadway buffer, if County accepts by dedication additional 18' right of way along Golf Course Road) to a maximum of 100' in width and planted with canopy trees, understory trees, and a hedge as depicted in the Gamble Creek Estates Buffer Plan submitted and entered into the record at the August 5, 2004 Board meeting, except that the required hedge shall be planted as close as possible to the lots along these roadways. In areas along Spencer Parrish Road adjacent to stormwater retention ponds or open space, two rows of canopy trees (3" caliper, 12' in height, with a 5' spread) off set 30' on center in each row are required, with no requirement for a hedge. The required landscaping shall consist of native species typically found in the Parrish area (canopy tree and plant species to be approved by the Planning Department) and shall provide 85% opacity to a height of 10 (ten) feet within three years from the date of the first Final Plat. Completed
 - b. A 15' greenbelt buffer shall be provided along the west and east property lines, except for wetlands or roadway buffers. Required landscaping shall be planted

within a 15' wide strip of this buffer, which is in addition to the 50' proposed access and drainage easement. This buffer shall be planted with two rows of canopy trees (3" caliper, 12' in height, with a 5' spread) off-set 30' on center in each row and a hedge (36" in height at planting and 36" on center) prior to first Final Plat approval. In the event that a Preliminary Site Plan for a residential subdivision has been approved for the property adjacent to the west border of the subject property at the time of Final Site Plan approval, the Applicant shall only be required to plant a single row of canopy trees in said buffer as provided. The required landscaping shall consist of native species typically found in the Parrish area (canopy tree and plant species to be approved by the Planning Department) and shall provide 85% opacity to a height of 10 (ten) feet within three years from the date of the first Final Plat approval.

- c. The greenbelt and roadway buffers may include a fence at the rear property line of lots within this project.
 - d. The required 5' sidewalk along Golf Course Road shall be constructed in a meandering fashion and located with the northernmost 10' of the right-of-way for Golf Course Road. Additional planting consisting of native species (such as Saw palmetto and Wax myrtles) shall be installed along both sides of this sidewalk. The extent and location of such plantings shall be approved with the Final Site Plan by the Planning and Natural Resources Departments.
2. At the time of Final Site Plan submittal, the Developer shall submit a projected annual growth schedule for the required roadside and greenbelt buffers to be planted which shall assure achievement of the required height and opacity requirements set forth in Stipulation 1. Quarterly reports by a Landscape Architect shall be submitted to the Planning Department to document the growth of the required landscaping in the roadside and greenbelt buffers to be planted, certify that the plantings are growing and being maintained in such a manner that they are likely to meet the requirements of the stipulations, which shall include representative pictures, including panoramic views, of the landscaping taken no more than 500 feet apart. In the event that the growth of the required landscaping is not substantially consistent with the projected annual growth schedule submitted with the Final Site Plan, the County shall meet with the Developer on actions to be taken, which may include the requirement to plant additional landscaping by the Developer as approved by the Planning Department. The quarterly reports shall be provided until the buffers meet the opacity requirements of the stipulation. Upon the planting of the required buffers, performance security in the amount of \$500 per linear 100 feet of required roadside and greenbelt buffer to be planted (with minimum performance security equivalent to 15% of the total cost of the plantings) shall be provided for the required roadside and greenbelt buffer landscaping. Some or all of the performance security may be claimed and utilized by the County during the life of the security to supplement or replace the required roadside and greenbelt buffer landscaping after providing the Developer thirty (30) days written notice of the necessary plantings to be made pursuant to this stipulation and a verification that the Developer has not caused such plantings to occur. The performance security may only be released after certifications provided by a landscaping architect and approved by the Planning Department that the required opacity as provided in Stipulation 1. has been achieved.

Nothing in this stipulation shall preclude the County from pursuing other remedies in order to achieve compliance with the stipulation as provided for in the Land Development Code or by law.

3. Existing native vegetation located within any required landscape buffer or tree preservation area shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer or tree preservation area containing desirable native vegetation with the exception of limited crossings
4. All buildings on perimeter lots along Golf Course Road shall be restricted to one story and a maximum height of 22' and all buildings on perimeter lots along Spencer Parrish Road shall be restricted to a maximum height of 22', as building height is defined in the Land Development Code. Any pool cages or other screened cages shall not exceed the height of the home and shall utilize materials of a dark color such as black or bronze. This condition shall be reflected in the covenants and restrictions for the subdivision.
5. 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.
6. No lots shall be platted into greenbelt buffers, perimeter buffers, roadway buffers, wetlands, wetland buffers or stormwater retention ponds.
7. A non-ingress egress easement shall be recorded adjacent the frontage of all lots along Golf Course Road and Spencer Parrish Road prior to or in conjunction with approval of the Final Subdivision Plat for each phase.
8. The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow.
9. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
10. Conservation Easements for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to Final Plat approval.
11. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. To prevent erosion, land clearing, tree removal, or grading shall be limited to the specific phase receiving approval. Tree protection barricades shall be installed in accordance with the approved Final Site

12. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in the sales contract or a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective 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.
13. Final engineering drainage design shall be approved prior to Final Site Plan approval, including the following:
 - a. This project is required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre and post development flows.
 - b. At time of Construction Plan submittal, the tailwater effect at the Spencer Parrish culvert shall be analyzed.
 - c. All culvert crossings shall be designed for the 25-year storm event.
 - d. The drainage model and construction plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
14. A top-of-bank to top-of-bank, plus 25' along one side of the top-of-bank, drainage and maintenance access easement shall be provided for all proposed rerouted drainage ditches. Also, provide a drainage and maintenance access easement from top-of-bank to top-of-bank for all existing natural drainage canals and sloughs.
15. Manatee County is only responsible for maintaining the free flow of drainage through these systems. The homeowners association is responsible for erosion control, embankment stabilization, beautification, and any other operations that the homeowner's association desires. This condition shall be reflected in the covenants and restrictions for the subdivision.
16. Due to the high quality of the habitat found on this site, the developer shall use reasonable efforts to protect and retain as much of the native understory and trees as possible during individual lot construction.

Section 3. 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 section, sentence, clause, or other 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 4. 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.

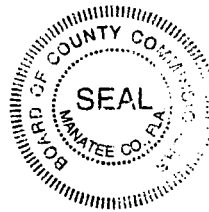
Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of March, 2011.

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

BY: 
Carol Whitmore, Chairman

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



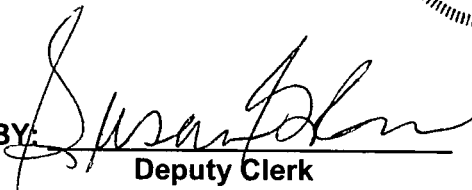
BY: 
Deputy Clerk

EXHIBIT "A"

All of the Lots and Tracts in GAMBLE CREEK ESTATES, according to the Plat thereof as recorded in Plat Book 52, Page(s) 1 through 19, of the Public Records of Manatee County, Florida, less and except Lots 80 and 83 thereof, and

All of the Lots in Gamble Creek Estates PHASE II & III, according in the Plat thereof as recorded in Plat Book 52, Page(s) 94 through 104, of the Public Records of Manatee County, Florida.



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 15TH day of

MARCH, 20 11

R.D. SHORE
Clerk of Circuit Court

By: Nancy Harris, D.C.



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FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

March 21, 2011

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

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 14, 2011 and certified copy of Manatee County Ordinance No. PDR-03-30(P)(R), which was filed in this office on March 17, 2011.

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

Sincerely,

Liz Cloud
Program Administrator

LC/vm

Enclosure

DIRECTOR'S OFFICE

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