

FILED FOR RECORD  
R. B. SHORE  
2004 OCT 22 AM 11:15

MANATEE COUNTY ZONING ORDINANCE  
PDR-03-30(Z)(P) - EDWARD A. MARIANI, EDWARD L. VEHLING AND WENDY L.  
VEHLING/GAMBLE CREEK ESTATES

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 5 ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 165 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, AND GRANTING SPECIAL APPROVAL FOR A GROSS DENSITY EXCEEDING 1 DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY.

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, 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 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 5 acres) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on August 5, 2004 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 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 165 lots for single-family detached residences, and GRANTING Special Approval for a gross density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category with 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. The Developer shall grant to the County, through an option to purchase for one dollar (\$1.00) at any time after approval of the Final Plat or through dedication at the time of approval of the Final Plat, at the County's option, an additional 18-feet of right-of-way (to provide for one-half of a future 120-foot ROW) along Golf Course Road. Either the deed or the dedication shall provide that the Developer or its homeowners' association reserves the right of access for maintenance of the landscaping within the additional right-of-way, including the installation and maintenance of irrigation and lighting facilities, until the date the County utilizes said additional right-of-way.

- 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 Environmental Management 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. Overhead power lines or detention or retention ponds shall not be located within the landscape buffers, greenbelts, or tree stands designated for preservation.
4. Existing native vegetation and tree groupings within upland areas of the site along the north property line and Spencer Parrish Road shall be preserved to fulfill greenbelt buffer requirements, not including wetlands.
5. Existing vegetation within the roadway, greenbelt buffers, and tree and native plant preservation areas shall not be disturbed and shall remain in a natural state (plant communities shall be preserved at all times) and only required landscaping shall be maintained and pruned in a manner that preserves the natural shape and growth characteristics of the species. Also, pruning that "lollipops" or grossly alters the natural characteristic tree and under-story tree canopy form is prohibited.
6. The maximum number of lots in this project shall be 165 lots. The Final Site Plan(s) shall show perimeter lots along Spencer Parrish Road with a minimum lot size of 16,625 sq. ft. with a minimum width of 102.5'. The Final Site Plan(s) shall show perimeter lots along Golf Course Road with a minimum width of 100' and a minimum lot size of 13,000 sq. ft. All other lots in the project shall have a minimum width of 80'.

7. Required minimum setbacks for the project:

Front: 20', with 35' in Phase III\*\*\*

Side: 7.5',\*\*

Rear: 15'\*\*\*

Waterfront: 30'

\* All perimeter lots on Golf Course Road and Spencer Parrish Road shall have a side setback of 10'.

\*\* All perimeter lots shall have a 15' building setback from the rear property line. No pool cages, swimming pools, or enclosures shall be allowed within the rear yard setback for lots along Golf Course Road or the side setback nearest the road for perimeter lots on Spencer Parrish Road.

\*\*\* The front yard setback for lots abutting Golf Course or Spencer Parrish Road may be reduced to 15' if side loaded garages are used for houses on those lots.

8. 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.
9. 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.
10. The developer shall extend a 24" water main from the existing 24"x16" tee at the intersection of Fort Hammer Road to the developments eastern property line.
11. Dry lines for hookup to future reuse lines shall be provided for the entire subdivision, for both common irrigation and single lot irrigation.
12. 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.
13. No lots shall be platted into greenbelt buffers, perimeter buffers, roadway buffers, wetlands, wetland buffers or stormwater retention ponds.
14. 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.
15. The Focal Point Park "A" shall include a commercial grade tot lot, benches, five shade trees, and a multi-purpose court.

16. The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow.
17. 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.
18. Conservation Easements inclusive of areas defined as wetlands, wetland buffers and upland preservation shall be recorded concurrently with the Final Plat. The boundaries of conservation areas shall be marked with signs that indicate a "Conservation Area". The number and placement of signs shall be approved by the Environmental Management Department with the Final Site Plan approval. The developer shall include in the deed restrictions information concerning the conservation easement, the limitations on use therein, maintenance of the easement area, maintenance of the signs, and the consequences of violations.
19. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific phase receiving approval. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

Specific tree protective measures shall be reviewed and approved by the Environmental Management Department with the Final Site Plan and Construction Plan submittal. Generally, the dripline (one foot for each inch of d.b.h.) of all trees to be retained on site shall be protected from construction activity.
20. Unless otherwise approved by Environmental Management Department, 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.
21. 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.
22. Trailers and structures on site shall be removed prior to Final Subdivision Plat approval. Prior to Final Site Plan approval the applicant shall make any required payment to Manatee County's Affordable Housing Trust Fund or provide a clearance letter from the

Community Services Department that the homes removed from the site did not qualify as affordable housing.

23. Street lighting for the subdivision shall be limited to a maximum height of 16', with a unified theme. The design and shielding of any on-site lighting within the development shall comply with Section 709.2.2 of the Land Development Code. In addition, any pole and building mounted lights in common areas shall be limited to 16' in height and shall be directed to the interior of the development using horizontal cut-off fixtures, unless decorative street lights are installed.
24. 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.
25. 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.
26. 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.
27. Tree Preservation Easements for areas outside of building envelopes for Phase 3 within the lots shall be shown on the Final Plat. Trees located within Tree Preservation Easements shall not be removed without obtaining a Tree Removal Permit from the Environmental Management Department.
28. Stemwall construction shall be required within Phase 3 to minimize impacts to existing trees.
29. 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 in Phase III of the following:
  - a. Stemwall construction shall be required within Phase 3.

- b. Tree preservation easements on individual lots shall be approved by Environmental Management Department prior to Final Site Plan and Construction Plan approval and that no tree or native vegetation within these easements shall be removed and must be protected, except without obtaining approval of a Tree Removal Permit from the Environmental Management Department.
  - c. Tree protection measures approved by the Environmental Management Department as shown on the approved Final Site Plan and Construction Plan shall be installed prior to commencement of clearing or grading on individual lots.
30. The Developer shall pay Educational Facility Impact Fees for each dwelling unit prior to obtaining the Building Permit for that dwelling unit. Alternatively, the Developer shall comply with any Educational Facility Impact Fee prepayment program which may be approved by the School Board. Payment shall be made at the prevailing Educational Facilities Impact fee rate as of the date of payment.

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 5 acres) to PDR (Planned Development Residential), 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.**

THE SOUTHWEST ¼ OF THE SOUTHWEST ¼; THENCE SOUTHEAST ¼ OF THE SOUTHWEST ¼; THENCE NORTHEAST ¼ OF THE SOUTHWEST ¼ AND THAT PORTION OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ LYING SOUTH AND WEST OF THE EXISTING COUNTY ROAD, ALL OF SAID PROPERTY LYING AND BEING IN SECTION 33, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. LESS ROAD RIGHT-OF-WAY.

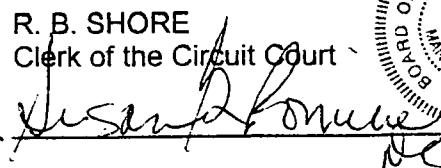
Section 5. **EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

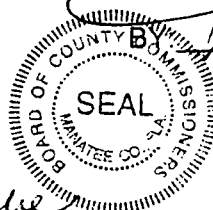
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 5<sup>th</sup> day of August, 2004, and as amended on the 5<sup>th</sup> day of October, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

  
Chairman

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

By:   
R.B. SHORE



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 7<sup>th</sup> day of

October, 2004

R.B. SHORE  
Clerk of Circuit Court

By:   
R.B. SHORE

THIS IS A CORRECTIVE DOCUMENT



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

October 14, 2004

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

Attention: Patricia Wanless Branch, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 8, 2004 and certified copy of Manatee County Ordinance No. PDR-03-30(Z)(P), which was filed in this office on October 13, 2004.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/kcs

Enclosure