

MANATEE COUNTY ZONING ORDINANCE  
PDR-01-12(Z)(P) - TOROBE CITRUS, INC./SUGAR MILL LAKES

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-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 247 LOT SUBDIVISION FOR SINGLE FAMILY DETACHED HOMES AT A NET DENSITY OF 3.97 DWELLING UNITS PER ACRE, AND GRANTING SPECIAL APPROVAL FOR THAT PORTION OF THE PROJECT WHICH EXCEEDS A GROSS DENSITY OF 2 DWELLING UNITS PER ACRE AND A NET DENSITY OF 3 DWELLING UNITS PER ACRE WITHIN THE RES-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 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-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on February 26, 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 247 lot subdivision for single family detached homes at a net density of 3.97 dwelling units per acre, and granting special approval for that portion of the project which exceeds a gross density of 2 dwelling units per acre and a net density of 3 dwelling units per acre within the RES-3 Future Land Use Category with the following stipulations:

FILED FOR RECORD  
R. B. SHORE

2002 MAR -8 PM 3: 18

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

2002 MAR -4 PM 3: 15  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

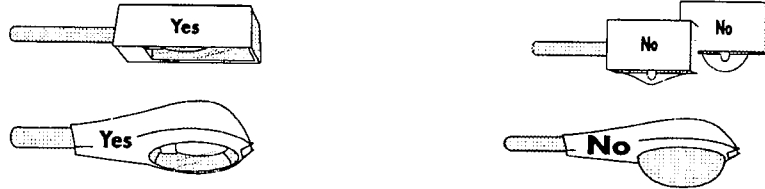
FILED

STIPULATIONS

1. The Final Site Plan shall provide the following buffers:
  - a.) The landscaped roadway buffers along Ellenton Gillette Road and Experimental Farm Road shall be a minimum of 20' wide and shall be planted with one row of canopy trees of 3" caliper and at least 12 feet in height, 25' on center with the required hedge. A 6' solid decorative fence shall be placed at the edge of all rear lot lines abutting this buffer.
  - b.) A 20' greenbelt buffer shall be provided along the entire west property line. This buffer shall include a row of canopy trees of 3" caliper and at least 12' in height, 25' on-center.
  - c.) The landscape buffers along the north property line shall include the 6' solid decorative fence and the 6' solid wall with a painted stucco finish as shown on the Preliminary Site Plan, except in the wetland area. The buffer shall include a row of canopy trees of 3" caliper and at least 12' in height, 25' on center.
  - d.) The landscape buffer along 43<sup>nd</sup> Street East shall be a minimum of 20' wide and shall be planted with one row of canopy trees of 3" caliper and at least 12 feet in height, 25' on center with the required hedge. A 6' solid wall with a painted stucco finish shall be placed at the edge of the rear lot lines lots abutting this roadway. This may be modified by the Planning Director after input from the surrounding neighbors.
2. The Preliminary Plat and Final Site Plan shall show a minimum lot width of 80'.
3. The Preliminary Plat and Final Site Plan shall show a minimum lot size of 8,800 sq. ft.
4. A commercial grade tot lot shall be installed in pocket parks in Phases 1 and 3.
5. A 5' wide sidewalk shall be installed between Lots 187 and 188 in Phase 2 and between Lots 225 and 226 in Phase 3 within a 10' wide strip of common area, to be screened with a hedge on both sides of the sidewalk.
6. All perimeter lots along the south, east, and west property lines shall have a 35' building setback from the project property line, except for those Lots along the south property line adjacent to 43<sup>nd</sup> Street East.
7. Additional pedestrian linkages to common open space, passive or active recreational areas, and water features shall be provided and approved by the Planning Department based on recommendations of EMD, prior to Final Site Plan approval.
8. The Final Site Plan for Phase I shall include the 6.8 acre focal point, which shall be redesigned to include parking facilities as required by the Land Development Code, a grass play area, a commercial grade tot lot, benches, and a multi-use court. The play area shall be expanded to include the lots identified on the site plan as 171 and 172.

9. The Final Plat shall include a 5' wide non-vehicular ingress/egress easement along Experimental Farm Road, Ellenton Gillette Road, and 43<sup>rd</sup> Street East except for project approved project entrances and Lot 249.
10. The following site related improvements shall be shown on the construction drawings:
  - A. At the proposed project accesses on Ellenton Gillette Road and Experimental Farm Road, provide left turn storage lanes into the site.
  - B. At the proposed project accesses on Ellenton Gillette Road and Experimental Farm Road, provide right turn lanes into the site.
  - C. All access driveways shall provide adequate intersection sight distance in agreement with AASHTO greenbook guidelines.
11. The inter-neighborhood tie in Phase 3 shall be located between Lots 76 and 77.
12. Prior to Final Site Plan approval, the engineer of record or architect must provide documentation to prove that concurrency has been met relative to fire flow.
13. Prior to Final Site Plan approval, a completed application for Fugitive Particulate Abatement must be submitted to the Environmental Management Department.
14. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
15. The boundaries of the wetland buffers shall be marked with signs (up to 2 per lot) indicating that this is a wetland protection area. The number and location of such signs shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also be a Notice To Buyers indicating the presence of wetlands and wetland buffers, with a reference to the recorded conservation easement.
16. Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Environmental Management Department.
17. Unless otherwise approved by EMD, 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.
18. The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project. Prior to each Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.

19. The design and shielding of any on-site lighting within common areas shall comply with Section 709.2.2. In addition, pole mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures.



20. The stormwater management system shall be designed on the Final Site Plan to provide a reduction of 50% of the allowable pre-development flow from the 25 year- 24 hour storm event discharge, and all drainage shall flow to the south.

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-1 (Suburban Agriculture, 1 dwelling unit per acre) 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.

NW 1/4 OF NW 1/4, LESS WEST 41.6 FEET OF THE NORTH 208.71 FEET OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 18 EAST. ALSO LANDS DESCRIBED IN O.R.B. 470, PAGE 495 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN THE FOLLOWING SURVEY DESCRIPTION:

COMMENCE AT THE NW CORNER OF THE NE 1/4 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 88° 34' 45" E, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 657.65 FEET; THENCE S 00° 05' 52" W, A DISTANCE OF 42.00 FEET TO THE MAINTAINED RIGHT-OF-WAY LINE OF EXPERIMENTAL FARM ROAD (49<sup>TH</sup> STREET EAST) FOR A POINT OF BEGINNING; THENCE S 88° 34' 45" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET; THENCE S 00° 05' 52" W, A DISTANCE OF 166.71 FEET; THENCE S 88° 35' 23" E, A DISTANCE OF 1186.88 FEET; THENCE S 01° 31' 11" W, A DISTANCE OF 273.76 FEET; THENCE S 88° 30' 01" E, A DISTANCE OF 575.22 FEET; THENCE N 01° 25' 13" E, A DISTANCE OF 274.29 FEET; THENCE S 88° 54' 24" E, A DISTANCE OF 100 FEET; THENCE N 01° 24' 07" E, A DISTANCE OF 175.71 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF EXPERIMENTAL FARM ROAD (49<sup>TH</sup> STREET EAST); THENCE S 89° 21' 25" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1292.01 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ELLENTON-GILLETTE ROAD; THENCE S 01° 22' 12" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1278.15 FEET; THENCE N 89° 09' 43" W, A DISTANCE OF 1275.83 FEET; THENCE S 01° 25' 14" E, A DISTANCE OF 628.19 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 42<sup>ND</sup> STREET EAST; THENCE N 89° 08' 58" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1969.77

FEET; THENCE N 00° 05' 52" E, A DISTANCE OF 1911.56 FEET TO THE POINT OF BEGINNING. CONTAINING 113.53 ACRES, MORE OR LESS.

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 26<sup>th</sup> day of February, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: *Aug Stein*  
Chairman

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



*By Susan Lomine*



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 26<sup>th</sup> day of

February, 2002  
R. B. SHORE  
Clerk of Circuit Court

By: *Diane E. Vollmer*

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  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

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

March 6, 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 1, 2002 and certified copies of Manatee County Ordinance Nos. PDR-01-01(Z)(P), PDR-01-12(Z)(P) and PDR-01-19(Z)(G), which were filed in this office on March 4, 2002.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD  
R. B. SHORE  
2002 MAR -8 PM 3:18  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA