

FILED FOR RECORD  
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE**

**PDMU-10-13(Z)(G) - SAWGRASS GATEWAY - DTS# 20100172**

2010 NOV 30 PM 2:11

CLERK  
MANATEE CO FLORIDA

FILED  
2010 NOV 19 AM 9:56  
DEPT. OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, 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; PROVIDING FOR THE REZONING OF APPROXIMATELY 933 ACRES NORTH OF BUCKEYE ROAD, EAST OF INTERSTATE 75, AND EXTENDING NORTH TO THE HILLSBOROUGH COUNTY LINE FROM THE A/NCO/NCGO (GENERAL AGRICULTURAL/NORTH CENTRAL OVERLAY/NORTH COUNTY GATEWAY OVERLAY) AND THE PDR/NCO/NCGO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY/NORTH COUNTY GATEWAY OVERLAY) ZONING DISTRICTS TO THE PDMU/NCGO (PLANNED DEVELOPMENT MIXED USE/NORTH COUNTY GATEWAY OVERLAY) ZONING DISTRICTS, RETAINING THE NORTH COUNTY GATEWAY OVERLAY, NOT RETAINING THE NORTH CENTRAL OVERLAY; RELATING TO SEPARATE APPROVAL OF A TYPE OF GENERAL DEVELOPMENT PLAN, KNOWN AS A GATEWAY OVERLAY MASTER PLAN LIMITED FOR USE EXCLUSIVELY IN THE NORTH COUNTY GATEWAY OVERLAY, FOR A FULL RANGE OF LAND USES (INDUSTRIAL, TRANSPORTATION, COMMUNICATION, AGRICULTURAL, EARTHMOVING, COMMERCIAL, COMMUNITY SERVICES, RECREATIONAL, RESIDENTIAL, AND RESIDENTIAL SUPPORT) AND ROADS CONSISTENT WITH THE NEEDS OF PORT MANATEE AND THE ECONOMIC HEALTH OF MANATEE COUNTY; SETTING FORTH FINDINGS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Cargor Partners VI – Buckeye 928, LC (the “Applicant”) filed an application to rezone approximately 933 acres described in Exhibit “A”, attached hereto, (the “Property”) from A/NCO/NCGO (General Agricultural/North Central Overlay/North County Gateway Overlay) and the PDR/NCO/NCGO (Planned Development Residential/North Central Overlay/North County Gateway Overlay) zoning districts to the PDMU/NCGO (Planned Development Mixed Use/North County Gateway Overlay) zoning districts, retaining the North County Gateway Overlay, not retaining the North Central Overlay; and

**WHEREAS**, the Planning staff has recommended approval of the rezone, as described in the Planning staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on October 14, 2010 to consider the rezone, 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 rezone consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications.

**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 of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of the County, 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 Exhibit "A" of this Ordinance from A/NCO/NCGO (General Agricultural/North Central Overlay/North County Gateway Overlay) and the PDR/NCO/NCGO (Planned Development Residential/North Central Overlay/North County Gateway Overlay) zoning districts to the PDMU/NCGO (Planned Development Mixed Use/North County Gateway Overlay) zoning districts, retaining the North County Gateway Overlay, not retaining the North Central Overlay.

B. The Board of County Commissioners, after due public notice, held a public hearing on November 4, 2010 regarding the 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 the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan) and to satisfy the criteria for approval in the Land Development Code.

**Section 2. 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 described in Exhibit "A", incorporated by reference herein, A/NCO/NCGO

(General Agricultural/North Central Overlay/North County Gateway Overlay) and the PDR/NCO/NCGO (Planned Development Residential/North Central Overlay/North County Gateway Overlay) zoning districts to the PDMU/NCGO (Planned Development Mixed Use/North County Gateway Overlay) zoning districts, retaining the North County Gateway Overlay, not retaining the North Central Overlay; 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 Official Zoning Atlas.

**Section 3. GATEWAY OVERLAY PLAN.** The Gateway Overlay Master Plan for the project proposed as “Sawgrass Gateway” has been considered by the Board at a duly noticed public hearing and approved by the adoption of a companion Resolution No. R-10-213, on November 4, 2010; subject to the following Stipulation below:

**A. LAND USE CONDITION:**

1. Regardless of the allowable uses described in the Gateway Master Plan, no use shall constitute “Heavy Manufacturing” as defined by the Land Development Code.

**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 section, sentence, clause, or 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. 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 6. 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 4<sup>th</sup> day of November, 2010.

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

BY: 

**Donna G. Hayes, Chairman**

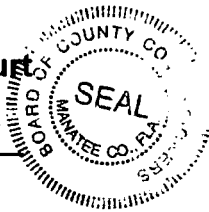
**ATTEST:**

**R. B. SHORE**

**Clerk of the Circuit Court**

BY: 

**Deputy Clerk**



## Exhibit "A"

### Legal Description

#### DESCRIPTION:

All of Section 1, Township 33 South, Range 18 East, Manatee County, Florida lying Southeasterly of Interstate 75 as described in Order of Taking recorded in O.R. Book 867, Page 368 **TOGETHER WITH** all of Section 2, Township 33 South, Range 18 East, Manatee County, Florida lying Southeasterly of Interstate 75 as described in Order of Taking recorded in O.R. Book 867, Page 368 **TOGETHER WITH** the North 1/2 of Section 11, Township 33 South, Range 18 East, Manatee County, Florida lying Southeasterly of Interstate 75 as described in Order of Taking recorded in O.R. Book 867, Page 368 **LESS** right of way for Buckeye Road as recorded in Road Plat Book 5, Pages 1 through 82 **TOGETHER WITH** The North 1/4 of Section 12, Township 33 South, Range 18 East, Manatee County, Florida.

**LESS** Right-of-Way for Buckeye Road as recorded in Road Plat Book 5, Pages 1 through 82, of the Public Records of Manatee County, Florida

**LESS** the following described four (4) parcels as conveyed to County of Manatee as recorded in O.R. Book 1678, Page 529, of the Public Records of Manatee County, Florida:

#### Parcel (1): Parcel 100 – Right of Way

A portion of the Northeast 1/4 of Section 12, Township 33 South, Range 18 East, Manatee County, Florida, being described as follows:

Commence at the Southeast corner of the Northeast 1/4 of said Section 12; thence N 00°19'16" E for 1110.18 feet along the East line of said Northeast 1/4; thence N 89°40'44" W for 57.83 feet to a point on the maintained right of way line of Buckeye Road per Road Plat Book 5, Pages 1 thru 82 of the Public Records of Manatee County, Florida, and to the Point of Beginning; thence S 23°15'17" W for 109.99 feet to a point of curvature of a curve; thence Southwesterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1760.00 feet, a central angle of 19°05'16", an arc length of 586.33 feet and a chord bearing and distance of S 32°47'56" W, 583.63 feet; thence N 47°39'26" W for 20.00 feet to a point on the arc of a non-tangent curve (a radial line bears N 47°39'26" W to the center of said curve); thence Southwesterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1740.00 feet, a central angle of 31°11'21", an arc length of 947.17 feet and a chord bearing and distance of S 57°56'14" W for 935.52 feet to a point on said maintained right of way line; thence along said maintained right of way line the following four (4) courses: (1) S 89°43'17" W for 129.39 feet; (2) S 88°34'32" W for 100.02 feet; (3) S 89°43'17" W for 200.00 feet; (4) N 89°42'20" W for 55.76 feet; thence N 00°16'43" W for 42.44 feet to a point on the arc of a non-tangent curve (a radial line bears N 00°16'43" W to the center of said curve); thence Northeasterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1630.00 feet, a central angle of 54°07'11", an arc length of 1539.64 feet, and a chord bearing and distance of N 62°39'42" E for 1483.04 feet; thence S 54°23'54" E for 10.00 feet to a point on the arc of a non-tangent curve (a radial line bears N 54°23'54" W to the center of said curve); thence Northeasterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1640.00 feet, a central angle of 12°20'49", an arc length of 353.41 feet, and a chord bearing and distance of N 29°25'42" E for 352.73 feet; thence N 23°15'17" E for 413.34 feet, to a point on said maintained right of way line; thence along said maintained right of way line the following two (2) courses: (1) S 02°06'36" W for 76.76 feet; (2) S 01°32'13" W for 249.49 feet to the Point of Beginning.

Parcel (2): Parcel 100 Pond 1

A portion of Section 12, Township 33 South, Range 18 East, Manatee County, Florida, being described as follows:

Commence at Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 12; thence N 00°19'16" E for 1110.18 feet along the East line of said Northeast  $\frac{1}{4}$ ; thence N 89°40'44" W for 57.83 feet to a point on the maintained right of way line of Buckeye Road per Road Plat Book 5, Pages 1 thru 82 of the Public Records of Manatee County, Florida; thence S 23°15'17" W for 109.99 feet to a point of curvature of a curve; thence Southwesterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1760.00 feet, a central angle of 1°15'35" an arc length of 376.59 feet, and a chord bearing and distance of S 29°23'05" W for 375.88 feet, to the Point of Beginning; thence S 60°40'00" E for 244.47 feet to a point on said maintained right of way line; thence along said maintained right of way line the following four (4) courses: (1) S 00°57'50" W for 2.00 feet; (2) S 01°32'13" W for 100.00 feet; (3) S 02°40'58" W for 100.02 feet; (4) S 01°32'13" W for 10.50 feet; thence S 75°40'56" W for 416.64 feet; thence N 88°38'36" W for 189.30 feet; thence N 35°43'27" W for 49.88 feet to a point on the arc of a non-tangent curve (a radial line bears N 35°43'27" W to the center of said curve); thence Northeasterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1740.00 feet, a central angle of 11°55'59" an arc length of 362.39 feet and a chord bearing and distance of N 48°18'33" E for 361.74 feet; thence S 47°39'26" E for 20.00 feet to a point on the arc of a non-tangent curve (a radial line bears N 47°39'26" W to the center of said curve); thence Northeasterly along the arc of said curve concave Northwesterly, having for its elements a radius of 1760.00 feet, a central angle of 06°49'41", an arc length of 209.74 feet, and a chord bearing and distance of N 38°55'43" E for 209.62 feet to the Point of Beginning.

Parcel (3) – Parcel A

A Portion of the Northeast  $\frac{1}{4}$  of Section 12, Township 33 South, Range 18 East, Manatee County, Florida, being described as follows:

Commence at the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 12; thence N 00°19'16" E for 1110.18 feet along the East line of said Northeast  $\frac{1}{4}$ ; thence N 89°40'44" W for 57.83 feet to a point on the Westerly maintained right of way line of Buckeye Road per Road Plat Book 5, Pages 1 thru 82 of the Public Records of Manatee County, Florida, and the Point of Beginning; thence continue along said maintained right of way line of Buckeye Road for the following five (5) courses: (1) S 01°32'13" W for 50.54 feet; (2) S 00°57'50" W for 100.00 feet; (3) S 01°32'13" W for 100.00 feet; (4) S 02°06'36" W for 200.01 feet; (5) S 00°57'50" W for 98.00 feet; thence N 60°40'00" W for 244.47 feet to a point on a non-tangent curve concave Northwesterly; thence Northeasterly along the arc of said curve, having for its elements a radius of 1760.00 feet, a central angle of 12°15'35", an arc length of 376.59 feet and a chord bearing and distance of N 29°23'05" E for 375.88 feet; thence N 23°15'17" E for 109.99 feet to the Point of Beginning.

Parcel (4) – Parcel B:

A portion of the Northeast  $\frac{1}{4}$  of Section 12, Township 33 South, Range 18 East, Manatee County, Florida, being described as follows:

Commence at the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 12; thence N 00°19'16" E for 85.09 feet along the East line of said Northeast  $\frac{1}{4}$ ; thence N 89°40'44" W for 89.59 feet to a point on the Northerly maintained right of way line of Buckeye Road per Road Plat Book 5, Pages 1 thru 82 of the Public Records of Manatee County, Florida and the Point of Beginning; thence continue along said maintained right of way line of Buckeye Road for the following seven (7) courses: (1) S 73°06'16" W for 42.81 feet; (2) S 72°27'41" W for 105.00 feet; (3) N 83°56'18" W for 18.11 feet; (4) S 89°43'17" W for 500.00 feet; (5) S 88°34'32" W for 100.02 feet; (6) S 89°08'54" W for 100.00 feet; (7) S 89°43'17" W for 270.61 feet to a point on a non-tangent curve concave Northwesterly; thence Northeasterly along the arc of said curve, having for its elements a radius of 1740.00 feet, a central angle of 19°15'22", an arc length of 584.78 feet, and a chord bearing and distance of N 63°54'14" E for 582.03 feet; thence S 35°43'27" E for 49.88 feet; thence S 88°38'36" E for 189.30 feet; thence N 75°40'56" E for 416.64 feet to a point on the Westerly maintained right of way line of Buckeye Road per said Road Plat Book 5, Pages 1 thru 82; thence along said maintained right of way line for the following four (4) courses: (1) S 01°32'13" W for 89.50 feet; (2) S 09°40'01" W for 21.21 feet; (3) S 01°32'13" W for 79.00 feet; (4) S 05°21'04" W for 75.17 feet to the Point of Beginning.

Parcel (4) – Parcel B:

A portion of the Northeast  $\frac{1}{4}$  of Section 12, Township 33 South, Range 18 East, Manatee County, Florida, being described as follows:

Commence at the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 12; thence N  $00^{\circ}19'16''$  E for 85.09 feet along the East line of said Northeast  $\frac{1}{4}$ ; thence N  $89^{\circ}40'44''$  W for 89.59 feet to a point on the Northerly maintained right of way line of Buckeye Road per Road Plat Book 5, Pages 1 thru 82 of the Public Records of Manatee County, Florida and the Point of Beginning; thence continue along said maintained right of way line of Buckeye Road for the following seven (7) courses; (1) S  $73^{\circ}06'16''$  W for 42.81 feet; (2) S  $72^{\circ}27'41''$  W for 105.00 feet; (3) N  $83^{\circ}56'18''$  W for 18.11 feet; (4) S  $89^{\circ}43'17''$  W for 500.00 feet; (5) S  $88^{\circ}34'32''$  W for 100.02 feet; (6) S  $89^{\circ}08'54''$  W for 100.00 feet; (7) S  $89^{\circ}43'17''$  W for 270.61 feet to a point on a non-tangent curve concave Northwesterly; thence Northeasterly along the arc of said curve, having for its elements a radius of 1740.00 feet, a central angle of  $19^{\circ}15'22''$ , an arc length of 584.78 feet, and a chord bearing and distance of N  $63^{\circ}54'14''$  E for 582.03 feet; thence S  $35^{\circ}43'27''$  E for 49.88 feet; thence S  $88^{\circ}38'36''$  E for 189.30 feet; thence N  $75^{\circ}40'56''$  E for 416.64 feet to a point on the Westerly maintained right of way line of Buckeye Road per said Road Plat Book 5, Pages 1 thru 82; thence along said maintained right of way line for the following four (4) courses; (1) S  $01^{\circ}32'13''$  W for 89.50 feet; (2) S  $09^{\circ}40'01''$  W for 21.21 feet; (3) S  $01^{\circ}32'13''$  W for 79.00 feet; (4) S  $05^{\circ}21'04''$  W for 75.17 feet to the Point of Beginning.



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 16<sup>th</sup> day of

November 20 10

R.B. SHORE  
Clerk of Circuit Court

By Maggie Hamilton D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

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**DAWN K. ROBERTS**  
Interim Secretary of State

RECEIVED RECORD  
R. B. SHORE

2010 NOV 30 PM 2:11

November 22, 2010

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

Attention: Ms. Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 16, 2010 and certified copies of Manatee County Ordinance Nos. PDMU-10-13 (Z) (G) and PDR-03-53 (P) (R6), which were filed in this office on November 19, 2010.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

### DIRECTOR'S OFFICE

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