

FILED FOR RECORD  
R. B. SHORE

2010 OCT 21 AM 11:24

**MANATEE COUNTY ZONING ORDINANCE**

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**PDR-10-12(Z)(P) – CYPRESS POND ESTATES**  
**(DTS #20100194)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 17.77 ACRES IN THE AREA OF 54TH STREET EAST ON THE WEST SIDE OF ELLENTON-GILLETTE ROAD, ELLENTON, FROM RSMH-4.5 (RESIDENTIAL SINGLE FAMILY MANUFACTURED HOME DISTRICT - FOUR AND ONE-HALF DWELLING UNITS PER ACRE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 78 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON INDIVIDUAL LOTS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Sugar Mill Developers, LLC (the "Applicants") filed an application for a rezone of approximately 17.77 acres from RSMH-4.5 (Residential Single Family Manufactured Home District - four and one-half dwelling units per acre) to the PDR (Planned Development Residential) zoning district; and

**WHEREAS**, the applicant also filed a request for a Preliminary Site Plan for approximately 17.77 acres described in Exhibit "A", attached hereto, (the "Property") for 78 lots for single-family detached residences on individual lots; and

**WHEREAS**, the applicant filed a request for Specific Approval for an alternative to LDC Section 702.6.8; and

**WHEREAS**, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Specific Approval, applications subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on September 9, 2010 to consider the rezone, Preliminary Site Plan, and Specific Approval applications, 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 applications 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, 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, 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 a portion of the real property described in Exhibit "A" of the Ordinance for 17.77 acres from RSMH-4.5 (Residential Single Family Manufactured Home District - four and one-half dwelling units per acre) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a duly noticed public hearing on October 12, 2010 regarding the 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 2020 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 702.6.8, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree because the proposed waterfront setback provides a safe building separation and adequate shoreline protection.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 78 lots for single-family detached residences on individual lots upon the Property subject to the following Stipulation:

## **STIPULATIONS**

### **A. STORMWATER CONDITIONS**

1. There shall be a minimum of ten (10) feet separation between accessory equipment and structures alongside abutting houses with 5 feet side yard setback.
2. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater discharge flowing west towards Coach House Mobile Home Park. Modeling shall be used to determine pre- and post-development flows.

3. The applicant shall dedicate a drainage easement for maintenance of the ditch on the western boundary of the property.

**B. LAND USE CONDITIONS**

1. There shall be an opaque fence six feet in height and located along the western property lines of lots 20, 21, 22 and 23 without encroaching into the ditch. The fence shall sit along the western edge on the outside of the perimeter buffer without landscaping to the west on the outside of the fence. The fence and existing boundary vegetation shall constitute satisfaction of all screening requirements along the western boundary.

**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 classification a portion of the property identified in Exhibit "A" herein from RSMH-4.5 (Residential Single Family Manufactured Home District - four and one-half dwelling units per acre) to the PDR (Planned Development Residential) zoning district 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 4.SPECIFIC APPROVAL.** Specific Approval is hereby granted for an alternative to LDC Section 702.6.8 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site plan for the project approved pursuant to Section 2 hereof.

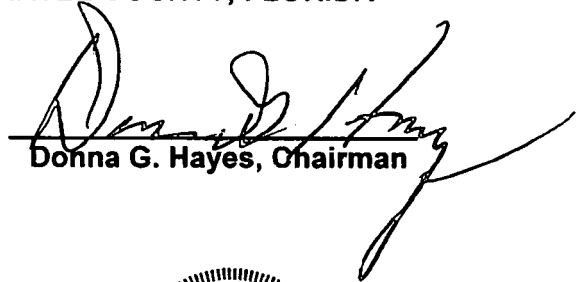
**Section 5. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 6. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

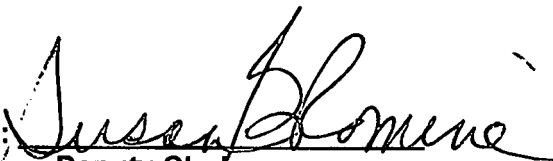
**Section 7. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 12<sup>th</sup> day of October, 2010.

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

BY:   
Donna G. Hayes, Chairman

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

BY:   
Deputy Clerk



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

COM AT THE NW COR OF THE SW1/4 OF SEC 32, TWN 33S, RNG 18 E; TH S 00 DEG 10 MIN 00 SEC E ALONG THE W LN OF SD SEC 32, A DIST OF 475.07 FT FOR A POB; TH N 88 DEG 45 MIN 10 SEC E 660.25 FT; TH S 00 DEG 05 MIN 52 SEC E 146.10 FT TO THE NW COR OF THE SE1/4 OF THE NW1/4 OF THE SW1/4 OF SD SEC 32; TH N 89 DEG 02 MIN 54 SEC E ALONG THE N LN OF SD SE1/4 OF THE NW1/4 OF THE SW1/4 A DIST OF 606.15 FT TO A PT ON THE W MAINTAINED R/W LN OF ELLENTON-GILLETTE RD; TH S 00 DEG 02 MIN 18 SEC E ALONG SD W R/W LN A DIST OF 373.74 FT; TH S 89 DEG 38 MIN 23 SEC W 420.00 FT; TH S 00 DEG 02 MIN 18 SEC E 220.00 FT; TH S 89 DEG 38 MIN 23 SEC W 185.46 FT; TH S 00 DEG 05 MIN 46 SEC E 32.05 FT TO THE SE COR OF THE SW1/4 OF THE NW1/4 OF THE SW1/4 OF SD SEC 32; TH S 88 DEG 37 MIN 30 SEC W ALONG THE S LN OF SD SW1/4 OF THE NW1/4 OF THE SW1/4 OF SD SEC 32, A DIST OF 659.39 FT TO THE SW COR OF THE NW1/4 OF THE SW1/4 OF SD SEC 32; TH N 00 DEG 10 MIN 00 SEC W ALONG THE W LN OF SD SEC 32, A DIST OF 767.08 FT TO THE POB (1680/4948)  
PI#7166.0100/9



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 14th day of

October, 2010

R.B. SHORE  
Clerk of Circuit Court

By: Walter J. Jassner, D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

FILED FOR RECORD  
R. B. SHORE

2010 OCT 21 AM 11:23

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

October 18, 2010

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 14, 2010 and certified copies of Manatee County Ordinance Nos. 10-04, 10-07, 10-08, 10-09, 10-10, 10-11, 10-12, 10-15, 10-17, 10-18, 10-30, 10-31, 10-32, 10-43, 10-45, 10-48, PDC-10-09(Z) (G), PDR-03-54 (P) (R), PDR-10-12 (Z) (P) and PDC-04-16 (Z) (P), which were filed in this office on October 18, 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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