

MAP 187-190

RECEIVED

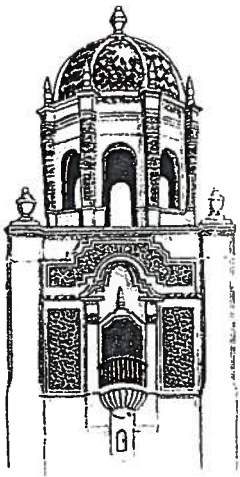
SARASOTA COUNTY GOVERNMENT
SARASOTA, FLORIDA

SEP 24 1993

Building and Zoning Department

SURVEY/MAPPING
SECTION

1301 Cattlemen Road
Sarasota, Florida 34232
Telephone (813) 378-6117
FAX (813) 378-6029
Zoning (813) 378-6121
Zoning FAX (813) 378-6075



September 22, 1993

Roger Hill, Ranch Manager
Schroeder-Manatee Ranch
7550 Lorraine Road
Bradenton, Florida 34202

Re: Street Name Approval for
Sarasota Polo Club
Map: #185

Dear Mr. Hill:

Per Sarasota County Ordinance #80-73, the following street names were submitted to this office on September 14, 1993 for review in SARASOTA POLO CLUB.

DEER DRIVE
COW CAMP LANE
CHUKKER LANE
QUAIL LANDING
POLO CLUB LANE
WHISKEY POND LANE
FIELDSIDE DRIVE

The above street names were approved by the Zoning Department this date.

If we may be of further assistance, contact our office anytime.

Sincerely,

Mary Beth Lewis
Plans Examiner, Building and Zoning,
Zoning Division

xc:

U.S. Post Office

Dick Emerson, Engineering Dept.

Ron Robeson, Engineering Dept.

Leo Shaffer, Traffic Operations

Tom McCaughey, Engineering Dept.

Susan Rhyne, ECDC, Health Dept.

Joanne Koester, Supervisor of Elections

So. County Ambulance Service District

Tom Shaw, Emergency Management

Planning Dept.

Greg Bacon, Fire Marshal

Carlos Bryant, Utilities

Ray Parsons, Mosquito

Control

South County Zoning

House of Maps

FPL

Gerald Samies, Sheriff's
Dept.

File

SARASOTA COUNTY GOVERNMENT

Office of the County Attorney

Interoffice Memorandum

TO: Michael Miller, Zoning Administrator, Building & Zoning Department

FROM: Brenda L. Valla, Deputy County Attorney *BJV*

RE: Schroeder-Manatee Ranch, Sarasota Polo Club, Rezone Petition 93-15; Log No. 93-30919

DATE: August 11, 1993

Please be advised that the action requested by your legal services request in regard to the above-referenced file has been completed and this file is now being closed. If you have any questions or believe the work on this file has not been completed, please call me or my secretary, Lynne Homa.

lhoma\memos\closmem.fm



SARASOTA COUNTY GOVERNMENT

Office of the County Attorney

Interoffice Memorandum



TO: Michael L. Miller, Zoning Administrator
Building & Zoning Department

FROM: Brenda L. Valla, Deputy County Attorney

RE: Schroeder-Manatee Ranch, Sarasota Polo Club, Rezone
Petition 93-15; Log No. 93-30919

DATE: August 10, 1993

Based on my conversations with you and review of correspondence between you and Mr. William C. Strode, attorney for Schroeder-Manatee, I have been asked to determine whether the property subject to Rezone Petition 93-15 is required to be platted prior to the issuance of building permits. As described to me, the completed project will consist of lots equal to or greater than five (5) acres. Vehicular access is provided by way of shell roadways constructed pursuant to agricultural permits.

Ordinance 89-95, as amended, hereinafter referred to as the County "Land Development Regulations" or "LDR's," defines "Subdivision" as follows (criteria not germane to this discussion is omitted):

"The division of a parcel of land, whether improved or unimproved into three (3) or more lots of less than five (5) acres each, for the purpose, whether immediate or future, of transfer of ownership, or...Any division of land if the extension of an existing street or establishment of any new street is involved..."

Since the proposed project will consist of lots equal to or greater than five (5) acres, the first definition of subdivisions set forth above does not apply to require platting in this fact situation. The developer does not propose to extend any existing street. Therefore, the question of whether subdividing is required turns on the question of whether the proposed development establishes any "new street."

Michael L. Miller
August 10, 1993
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"Street" is defined in the Land Development Regulations, Section A5 as follows:

"STREET means a public vehicular right-of-way or private vehicular accessway which affords the principal means of access to more than one parcel of property. The term includes any other vehicular right-of-way -- except an alley -- such as avenue, road, way, drive, lane, boulevard, place, easement and the like."

The Land Development Regulations do not define the term "parcel." The subject property has already been divided into lots which are leased to different parties. Do these leased lots constitute separate parcels? Also, the land surrounding the subject property is owned by Schroeder-Manatee, but not proposed to be rezoned and developed. Is the rezoned property a different "parcel" from the surrounding property not subject to rezone? If the applicant deeds a portion of the property to another entity controlled by the applicant, has a separate parcel been created, converting the shell roads to "Streets" under the LDR definition? The LDR's offer no guidance to answer these questions.

The second sentence of the LDR definition of "Street" states that, "The term includes any other vehicular right-of-way...such as avenue, road, way, drive, lane, boulevard, place, easement, and the like." There is no requirement that these "rights-of-way" meet the LDR design and construction standards. In fact, an "easement" seldom meets such standards. The extremely broad LDR definition of "Street" could reasonably be construed to include the shell rights-of-way on the subject property.

Although I have not researched this issue, apparently the shell travelways on the subject property were legally permitted and constructed pursuant to an agricultural exemption. Should the property have been platted at the time these rights-of-ways were constructed? Probably not. This interpretation would require farmers and ranchers to plat agricultural lands every time such agricultural rights-of-ways were constructed. This result is not consistent with the purpose of the county or state subdivision regulations. At the time the use of the parcels accessed by the shell agricultural roads changed, should the owner have been required to plat the property? This may be a reasonable result, but it is not required, or even addressed, by the County LDR's or Chapter 177, Florida Statutes.

Michael L. Miller
August 10, 1993
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Based on the above, it could be argued that the rights-of-ways built with agricultural exemptions are "existing streets," constructed at a time when platting was not required. Because "parcel" is ambiguous in the definition of street, either the surrounding land not subject to rezone or the leased lots could reasonably be considered separate "parcels." This would qualify the agricultural rights-of-ways as streets.

The Florida Supreme Court has held that "Since zoning regulations are in derogation of private rights of ownership, words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner." Rinker Materials Corp. v. City of North Miami, 286 So.2d 552 (Fla. 1973). Neither Chapter 177, Florida Statutes, nor the County's LDR's clearly address the fact situation presented here. Construing the ambiguity in favor of the property owner, as the law requires, it is my opinion that Sarasota County does not have the authority under its LDR's to require the platting of the land subject to Rezone Petition 93-15. If this result was not intended by Sarasota County, the Land Development Regulations should be amended to address this situation and remove the ambiguity.



COUNTY OF SARASOTA

FLORIDA

TRANSPORTATION DEPARTMENT
ENGINEERING DIVISION
SURVEY-MAPPING SECTION

DIVISION JOB NO. 0302

SURVEY PROJ. NO. N/A

DATE 9-24-93

MAPPING WORK ORDER

[Empty rectangular box for title block data]

TITLE BLOCK DATA

TYPE OF DRAWING

- RIGHT-OF-WAY MAP
- MAINTAINED RIGHT-OF-WAY MAP
- BOUNDARY SURVEY
- TOPOGRAPHIC SURVEY
- SPECIFIC PURPOSE SURVEY
- RIGHT-OF-WAY STRIP MAP
- R/W PARCEL SKETCH/DESCRIPTION
- OTHER SKETCH/DESCRIPTION
- HALF SECTION SHEET NO. _____
- HALF TOWNSHIP SHEET NO. _____
- D.N.R. CERTIFIED CORNER RECORD
- SECTION CORNER REFERENCE SHEET
- BENCH MARK REFERENCE SHEET
- SPECIAL TAX DISTRICT MAP
- VOTING PRECINCT MAP
- VOTING PRECINCT SKETCH
- OTHER

SPECIAL INSTRUCTIONS:

- ① Place the non-conforming Plat on our half section Maps using the attached road names (Private)
- ② Make a file folder for the completed drawer called "Sarasota Polo Club" and put all the attached in it.
- ③ Did we get a disc on the Polo Club from Lombardo-Skipper?

REFERENCES:

- MAP _____ *yes*
- AERIAL _____ *Received 12-59*
- PB/PG _____
- FB/PG _____
- OTHER _____

BEGAN _____

COMPLETED _____

CHECK BY _____

INDEXED _____