

MANATEE COUNTY ZONING ORDINANCE
PDR-89-05(Z)(G)(R) [fka Z-84-81]
A.B. SIMMS/ISLAND INVESTMENT PROPERTIES, INC.
[fka CIRCLE-N-BAR]

A ZONING ORDINANCE OF THE COUNTY OF MANATEES
FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF
MANATEE COUNTY, ORDINANCE 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
DU/ACRE) TO PDR (PLANNED DEVELOPMENT
RESIDENTIAL), RETAINING THE WP-E/ST (EVERS
RESERVOIR WATERSHED PROTECTION AND SPECIAL
TREATMENT) OVERLAY DISTRICTS, AND APPROVAL OF
A REVISED GENERAL DEVELOPMENT PLAN TO ALLOW
1238 DWELLING UNITS, 40,000 SQ. FT.
NEIGHBORHOOD COMMERCIAL AND A 27 HOLE GOLF
COURSE; PROVIDING AN EFFECTIVE DATE.

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 du/acre) to PDR
(Planned Development Residential) retaining the WP-E/ST (Evers
Reservoir Watershed Protection and Special Treatment) overlay
districts, and approval of a General Development Plan to allow 1238
dwelling units, 40,000 sq. ft. neighborhood commercial and a 27
hole golf course.

B. The said Board of County Commissioners held a public
hearing on August 26, 1993, September 23, 1993 and September 27,
1993, 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 General Development Plan, entitled
Unnamed Exclusive Golf and Country Club [also known as University
Park Country Club], is hereby APPROVED to allow 1238 dwelling
units, 40,000 sq. ft. of neighborhood commercial and a 27 hole golf
course, with the following conditions:

CONDITIONS

- A. (1) Approval shall be limited to that shown on the General
Development Plan as modified herein.
- A. (2) Preliminary and Final Site Plan Applications shall be
reviewed for compliance with this Ordinance and shall be
subject to the requirements of the Manatee County
Comprehensive Plan and Land Development Code in effect at
the time of such site plan application which are not

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

OCT 8 3 49 PM '93

SECRETARY OF STATE

OCT 6 11 25 AM '93

FILED

specifically addressed in this Ordinance or are not inconsistent with this Ordinance. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

TRANSPORTATION CONDITIONS

- B. (1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and University Parkway and the development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:
- a. Prior to the approval of the final plat for the 461st residential unit in the development, the Developer* shall select one of the options listed below to mitigate these impacts and the mitigation shall be completed in compliance with the option selected:
1. Option 1

Any approval of this development shall require Funding Commitments* for the roadway improvements listed in Table 2. Without Funding Commitments* for these improvements, no final site plan or final subdivision plat shall be approved.
 2. Option 2

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities listed in Table 2 and referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphases thresholds have been specifically identified in Table 2. The Developer* may choose to generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Chapter 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of the Project plus that to be generated by the next portion for which the Developer* is seeking approval and other Development Approvals*. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Table 2) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table 2 at an Acceptable Level of Service*. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted transportation engineering practices. With respect to phases or subphases which require transportation improvements which are not the subject of Funding Commitments*, said phase or subphase shall not be approved. At the time of Preliminary Site Plan* approval for each subphase, the Developer* shall submit to the County a limited transportation study which shows the distribution on the Transportation Impact Area*

of projected P.M. peak hour external trips for the current subphase plus all previously approved subphases and all other Development Approvals* to demonstrate which improvements listed in Table 2 are required. In the event that such new analysis demonstrates the need for alternative improvements or different subphase thresholds, the rezone ordinance may be amended to reflect such analysis after appropriate review by the County.

TABLE 2

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound . Must have adequate storage lengths.	466
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right - turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to final site plan approval for the 826 dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than semi-annually. If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the rezone ordinance to change or require additional roadway improvements, if Warranted*, prior to any further final site plan approvals.
2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run/Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

- B.(2) The Developer* shall provide for a bus stop at a location on University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

- C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

- D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 17-3, 17-302, and 17-25, F.A.C., as well as Manatee County requirements.
- D.(2) Within six months of approval of this rezone ordinance, the Developer* shall implement a comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Action Commission (EAC). This program shall also be submitted to the City of Bradenton for review and comment. The surface water monitoring program shall provide for the monitoring of surface water during periods of construction and shall continue through one year beyond project buildout. In addition, the surface water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this rezone ordinance.

- D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. Littoral shelves shall be constructed in the stormwater ponds northeast of the Honore Avenue Extension on the Simms Tract*. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

- D. (4) Within six months of approval of this rezone ordinance, the Developer* shall implement a comprehensive ground water quality and quantity monitoring program approved by the County and the Environmental Action Commission (EAC). This program shall also be submitted to the City of Bradenton for review and comment. The surface water monitoring program shall provide for the monitoring of ground water during periods of construction and continue through one year beyond project buildout. In addition, the ground water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

The Developer* shall implement a comprehensive ground water quality and quantity monitoring program within 6 months of this rezone ordinance and continue through one year beyond project buildout.

- D. (5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1058.5 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.
- D. (6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D. (7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 17-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.
- D.(9) The Conservation Areas* on site encompass approximately 28.21 acres as indicated on the attached Preservation/Conservation Map, Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of the sub-phase in which the impact occurs. A mitigation priority shall be the addition of littoral shelves to the stormwater ponds proposed for the northeast portion of the Simms Tract* with appropriate credits afforded to the Developer*. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails and paths, as is provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development wetland Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
 MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

AREAS	MITIGATION RATIOS●	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.

●Ratio is Mitigated Wetland*: Disturbed Wetlands*.

- D. (10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District Comprehensive Plan and shall be submitted within one (1) year after this rezone ordinance approval. Manatee County Planning Director and Manatee County Environmental Action Commission shall approve all such guidelines.
- D. (11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm Water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

- E. (1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.
- E. (2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E. (3) Pursuant to Rule 17-28.700, FAC, no discharges to groundwater shall be permitted on-site.

ECONOMICS

- F. (1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G. (1) In the event that any species listed in Rule 39-27.003 through 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper

protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Action Commission (EAC), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. Said plan shall be prepared in consultation with the Florida Game and Freshwater Fish Commission, FDEP and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods and methods of Wetland* restoration/enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

- a. No hydroperiod alteration shall be permitted in Preservation Areas*.
- b. Dredging, filling and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing and boardwalk locations and passive recreational facilities approved by FGFWFC, FDEP and Manatee County, as applicable.
- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks and passive recreational facilities as permitted by FGFWFC, FDEP and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with the DHR, TBRPC and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to TBRPC and Manatee County.

WASTEWATER

- I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of back-up, to provide assurance against equipment failure and discharge to the environment. These shall include:
- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. Wet wells to contain sewage line surcharges/overflows.
 - d. Emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.
- I.(2) The Developer* shall submit to Manatee County prior to June 30, 1994, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by Manatee County, and should identify the entity responsible for the monitoring and time schedule for conducting the inspections. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings and repairs must be included in the annual report.
- I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(4) The Developer* shall not utilize on site wastewater treatment.
- I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserviced land holdings.

WATER

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this rezoning ordinance, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.
- J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

SOLID WASTE

- K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:
- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas;
 - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange and treatment; and
 - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

- L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction.
 - e. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. Institute and utilize recycling programs; and

- h. Utilize energy efficient packaging and/or recyclable materials.
- L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use and encourage conservation for project businesses and first annual report.

EDUCATION

- M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

- N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.
- N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

- O.(1) Sheriff, emergency medical services and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this rezone ordinance. (Exhibit I)
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC.

DEVELOPER COMMITMENTS

- P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 of the Development Order incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

GENERAL CONDITIONS

- Q.(1) The maximum number of residential units shall be limited to 1238. With each preliminary plan submitted, a Residential Sector Data Table shall be provided to include the number of units that have final site plan approval.
- Q.(2) The neighborhood commercial village center, located immediately north of the clubhouse facility, will be limited to a site ten (10) acres in size and 40,000 square feet of gross floor area.

- Q.(3) If, prior to the time permanent fire protection facilities in this area of the county are deemed desirable by the Fire District, a temporary station is deemed desirable, The developer shall enter into an agreement to contribute a pro rata share of the cost of a site for, and of constructing and equipping a fire protection facility if required by the Fire Department with the appropriate Final Site Plan approval.
- Q.(4) The adjacent 120' right-of-way for Honore Avenue shall be dedicated with both the final approval for the golf course and the Final Plat for parcel V. The ROW shall be located outside of the temperate hardwood hammock and the ROW crossing at the tributary to the Braden River shall be kept to a minimum and approved at time of site plan approval.
- Q.(5) The construction and dedication to Manatee County of Timber Lake Drive Extension from Palm Aire to Park Boulevard shall be completed prior to the first Certificate of Occupancy for the apartments or final plat approval for parcels A or AA, whichever comes first.
- Q.(6) Prior to final plat approval in parcel V, the Developer* shall:
- a. Provide an access to Honore Avenue to serve as an inter-neighborhood tie. An access to parcel N will not meet this requirement. This access shall be constructed to the standards of an urban local street, and
 - b. Construct a 24' wide section of Honore Avenue, to County urban standards, from the Honore Avenue access referenced in 6A above, to the nearest paved County street outside of the development. However, if, prior to the commencement of construction of Honore Avenue by the developer, ROW is not available off site to access a paved county street outside the development, then the Developer* shall construct Honore Avenue within the dedicated ROW on site to the nearest boundary of the project.
- Q.(7) Upon completion of the project, all property within the 1058.5 acre boundaries shall have been platted. Project as herein defined shall mean the 1058.5 acre tract together with any extensions or additions thereto.
- Q.(8) The developer shall dedicate to the County adequate right-of-way to allow the parcel to the east, known as "the Nelson Tract," access to Honore Avenue through this development. The location and timing of dedication shall be determined at the time right-of-way for Honore Avenue is dedicated to the County.
- Q.(9) Note: An asterisk (*) denotes that the word is defined.
- A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).
 - B. "Application*" and "Application for Development Approval*" or "ADA*" shall mean Unnamed Exclusive Golf and County Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5,

1990; July 10, 1990; August 20, 1992; and October 21, 1992 and amendments submitted on April 20, 1993 and included as Exhibit "A."

- C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the DRI Application* and shown as "Map H" of Exhibit B of the Unnamed Exclusive Golf and Country Club Master Development Plan*.
- E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C"
- F. "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.
- G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process and/or construction drawing approval where site plans are not required.
- I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, and/or any combination of the following:
 - 1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
 - 2. Actual construction; or
 - 3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 - 4. A local development agreement as defined by Florida Statutes and the Land Development Code reviewed and approved by the Bureau of State Planning and amended into the Development Order the next time the Development Order is amended for any other purpose. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

- J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, water, sewer, communication, utilities, etc.
- K. "Master Development Order* (MDO*)" shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.
- L. "Master Development Plan*" shall be defined as Map H incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.
- M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; and Sarah Edge Shuler; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.
- O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.
- P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.
- Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C".
- R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, section 26, township 35 south, range 18 east, lying south of the Braden River. Lying and being in Manatee County, Florida. Containing 74.5 acres, more or less.
- S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.
- T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI

Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order is the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

- U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.
- V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was based on data submitted with the ADA*.
- W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.
- X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of section 35, township 35 south, range 18 east, and the south 1/2 of the SW 1/4 of the SW 1/4 of section 26, Township 35 South, Range 18 east, Manatee County, Florida. Containing 63 acres, more or less.
- Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All planned and reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 17-4, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Section 30, Chapter 93-213, Laws of Florida, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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 du/acre) to PDR (Planned Development Residential) retaining the WP-E/ST (Evers Reservoir Watershed Protection and Special Treatment) overlay districts, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

REZONE PARCEL (SIMMS TRACT): THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

REVISED GENERAL DEVELOPMENT PLAN PARCEL:

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4;

THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 27th day of September, 1993.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Jani Simms
Chairman

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

[Signature]

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. PDR-89-05 adopted by the Board of County Commissioners of said County on the 27th day of September, 1993, this 5th day of October, 1993, in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
D.C.



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State
DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
Tallahassee, Florida 32399-0250
(904) 488-8427

October 6, 1993

FILED FOR RECORD
R.R. SMITH
CLERK OF CIRCUIT COURT
MANATEE COUNTY FLORIDA
OCT 8 3 49 PM '93

Honorable R. B. Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 5, 1993 and certified copies of Manatee County Ordinance Numbers 93-21 and PDR-89-05-(Z)(G)(R), which were received and filed in this office on October 6, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (2)