



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
JUL 10 12 25 PM '90

July 11, 1990

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

Attention: Richard H. Ashley, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of July 6, 1990 and certified copy of Manatee County Ordinance Number Z-85-01(R), which was filed in this office on July 11, 1990.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

MANATEE COUNTY ORDINANCE NO. Z-85-01(R)
ARVIDA CORPORATE PARK ASSOCIATES

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

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SECRETARY

JUL 11 9 35 AM '90

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING STIPULATIONS 17 and 19 OF MANATEE COUNTY ORDINANCE NO. Z-85-01 APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 2, 1986. PRESENT ZONING PDI/PDC/AF/WP/ST (PLANNED DEVELOPMENT INDUSTRIAL/PLANNED DEVELOPMENT COMMERCIAL/AGRICULTURAL FRINGE/WATERSHED PROTECTION & SPECIAL TREATMENT OVERLAY DISTRICTS) (218.73+ ACRES); 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 approved Manatee County Ordinance No. Z-95-01, 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 zoned PDI/PDC/AF/WP/ST (Planned Development Industrial/Planned Development Commercial/Agricultural Fringe/Watershed Protection & Special Treatment Overlay Districts) (218.73+ acres).

B. The said Board of County Commissioners held a Public Hearing on June 28, 1990, regarding said proposed amendments to stipulations #17 and #19 of approved Manatee County Ordinance No. Z-85-01, described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, the Manatee County Comprehensive Zoning and 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. An amendment to Manatee County Ordinance No. Z-85-01, adopted on October 2, 1986 by the Board of County Commissioners, is hereby approved with the following stipulations:

1. The development of this project shall proceed in accordance with the information, plans, projections, representations and materials contained in Arvida Corporation Park Application for Development Approval (ADA) and application for rezoning Z-85-01 and the associations' conceptual development plan approval, except as modified by the stipulations, conditions and requirements set forth herein or in the approval of the ADA, or as modified in subsequent DRI or local approvals required for the development.
2. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of the project, to implement and apply laws, ordinances, rules, regulations under its jurisdiction, consistent with the approvals hereby granted.
3. The matters addressed herein, as well as additional matters that are appropriate to review at later stages of review, may be reflected in additional and more detailed

stipulations, conditions and requirements to be formulated and applied at later stages of review of this project under local and DRI procedures.

4. In the event ownership of any portion of the property embraced by this project, or any of the development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties which will then be responsible to fulfill the obligations and meet the conditions established by these stipulations.
5. Nothing herein shall be construed as authorizing any use of the property other than as described in Arvida Corporate Park Conceptual Master Plan, (Exhibit A, attached) hereby approved.
6. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.

LAND USE COMPATIBILITY

7. Setbacks and landscape buffering meeting or exceeding the requirements of the LDC shall be provided between different land use classifications internal to the project and those external to it. This condition shall apply with particularity to the industrial area, planned pursuant to this amendment ordinance, to be adjacent to and between the areas proposed for rezoning to PDC and PDR and the planned low density area south of University Parkway in Sarasota County. The depth of setbacks and extent and location of landscaped buffers shall be reviewed with future Preliminary Development Plan applications. Design of these buffers shall include consideration of noise, odor, and visual impacts on adjacent land uses, including University Parkway and shall mitigate all identified impacts.
8. Development in the PDC and PDI districts shall be restricted to those uses which will not adversely impact water quality in the Evers Reservoir Watershed.
9. Development in the PDC and PDI districts shall be restricted to only such uses which do not generate any significant air, water, noise, hazardous wastes or other polluting by-products, and will not increase the likelihood of adverse impacts to the watershed. A review of these uses proposed shall be required prior to Preliminary Site Plan approval. Evidence by the developer that uses proposed meet this condition shall be required. Additionally, site design shall demonstrate significant attention to aesthetics.
10. Prior to the approval of a Preliminary Master Plan, the developer shall submit specific design standards which shall guide and control all aesthetics and design considerations on the site. Said design standards shall address without limitation architectural design, landscape design, setbacks, buffering, drainage pond design, signage, and other related standards as determined by county staff.
11. Commercial and Industrial Development shall be planned with a unified internal circulation system and with limited access to abutting thoroughfares as depicted on the Conceptual Master Plan dated March 12, 1986.

ENVIRONMENT

12. At the time of submittal of the first Preliminary Master Plan, demonstration of compliance with the AP/WP/ST Overlay Districts shall be submitted. As required by the ST District of the Land Development Code, the Board of County Commissioners shall make a determination that "Best Possible Technology" is being employed prior to any construction.
13. Development of individual septic tanks shall be prohibited on land lying in the Braden River Watershed.
14. Wetland areas designated as 1,2,5, and 7 in Figure 14-1 on page 14-17 of the Arvida Corporate Park ADA shall be mitigated by incorporation into a stormwater retention system. Organic muck from these areas shall be stockpiled and redistributed around the littoral zones of stormwater retention areas. The littoral zones, which shall comprise 35 percent of the area of the thirty (30) acre lake system, shall be revegetated with native wetland species. The extent and location of the revegetated sites shall be identified on the Final Master Plan.
15. All tree removal and land clearance shall be done in accordance with Section 205F.1. of the Land Development Code. Wooded areas identified as 8, 9, and 10 in Figure 14-1 of the ADA shall be preserved to the greatest extent possible and incorporated into the final landscape architecture.
16. Representative tracts of all major upland vegetative communities shall be generally identified at the time of Preliminary Master Plan approval and shall be preserved in their natural state.
17. Beginning five (5) years and eleven months from the date of issuance of the original Development Order approved October 27, 1986 or one (1) year prior to commencement of development, whichever occurs first and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for this project tributary to Braden Watershed as approved by the county. The parameters to be included and the time frame for sampling shall be approved prior to approval of the final master plan. In no event shall the predevelopment water quality and quantity monitoring program be less than one (1) year in length.

DRAINAGE

18. Prior to Final Master Plan approval of the site, the Final Drainage Plan for Arvida Corporate Park shall be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Environmental Regulations for review and to South West Florida Water Management District and the Manatee County Transportation Authority for review and approval to verify its general consistency with the Conceptual Master Drainage Plans as set forth in Map G-1 of the ADA.
19. Existing net water flow (groundwater and surface water) contribution from the site to the Braden River watershed shall be maintained or exceeded and their natural seasonal fluctuations preserved during all Phases of development. Beginning five (5) years and eleven months from the date of issuance of the original Development Order approved October 27, 1986 or one (1) year prior to commencement of development, whichever occurs first and continuing annually thereafter until buildout, the developer shall provide the County with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done

separately for normal and ten-year drought conditions. Should the County's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the developer to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan. In no event shall the predevelopment water quality and quantity monitoring program be less than one (1) year in length.

20. In order to protect water quality, the following parameters shall be included in the Arvida Corporate Park drainage plan:
 - a. The developer shall implement a street cleaning program for the parking and roadway areas within the development.
 - b. The Master drainage system shall be designed in accordance with applicable regulations of Chapter 17-25, Florida Administrative Code and Manatee County Land Development Code as modified and adopted.

HAZARDOUS WASTE

21. Separate temporary hazardous waste storage/collection area(s) within the project shall be designated. These area(s) shall be accessible to all businesses within Arvida Corporate Park and shall be clearly marked or colored so as to clearly distinguish and identify the area(s) intended for hazardous wastes and materials. (Hazardous wastes are those materials defined in Subsection 403.703(21), F.S., and listed in Title 40 CFR part 261).
22. The developer, his heirs, assigns and transferees, shall:
 - a. Provide in the Arvida Corporate Park covenants a statement that indicates types of wastes and materials that are to be considered to be hazardous and areas which these wastes and materials are to be stored or disposed of in specifically designed containers.
 - b. Advise purchasers and lessees, and stipulate at the time of purchase or lease, that statutes and regulations exist and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials.

ENERGY CONSERVATION

23. The following energy conservation measures shall be utilized in addition to the use of landscaping and retention of existing vegetation as a means of energy conservation:
 - a. The developer shall appoint an energy officer who shall:
 - (1) arrange for energy audits; and
 - (2) establish energy policies; and
 - (3) monitor energy use and conservation; and
 - (4) establish programs to promote energy conservation by employees, buyers, suppliers and the public.
 - b. The developer shall encourage:
 - (1) the establishment of recycling programs; and

- (2) the use of energy efficient cooling, heating and lighting systems throughout the Arvida Corporate Park; and
- (3) the use of innovative energy conservation features such as waste heat recovery or solar power.

FIRE PROTECTION/EMERGENCY SERVICES

24. All impacts of every portion of this development upon emergency and fire protection services and the extent of the needs therefrom to be generated by each portion of this development, shall be identified in advance of development by the developer using methodology acceptable to and utilized generally by the County including Ordinance 86-09. The developer shall be responsible for providing for all emergency services and fire protection needs so identified so as to fully offset the identified impacts. Specific measures identified elsewhere herein or as conditions of subsequent approvals shall not be construed as limiting the effect of this requirement.
25. The developer shall be responsible for contributing a pro-rata share of the cost of acquiring a site for, and of constructing and equipping an Emergency Medical Service station and fire station, or a joint facility. This obligation may be satisfied in part by conveyance of land suitable for the intended use or payment of impact fees if applicable.
26. If, prior to the time permanent Emergency Medical Service and/or fire protection facilities to serve this area of the County are deemed necessary by the County or the fire district; but a temporary station is deemed necessary, then developer shall also contribute a pro-rata share of the cost of acquiring a site, and of constructing and equipping such facility and facilities.
27. Once a present ability to construct and equip a temporary or permanent EMS and/or fire station in this area of the County, that would serve this development is demonstrated final approval of any development scheduled to occur after the establishment of such substation, and the timing thereof, shall be contingent upon the ability of EMS and/or fire district to provide service to such a development with response time generally accepted by the County and/or fire district as safe and adequate.
28. The fire hydrant system shall use publicly owned easement and facilities or, if a private system is used, shall be approved by the fire district as to provision for adequate operation and maintenance and other features related to fire safety.

POLICE PROTECTION

29. The developer shall pay a pro-rata share of the cost of the Sheriff's Department portion of a public service building to be located in the Southeast Area and other related capital facilities. Specific requirements will be determined during the site planning stage of the development process.

TRANSPORTATION

30. All traffic impacts of every portion of this development shall be identified in advance of development by the developer using data and techniques acceptable to and as specified in the Development Order incorporated herein by reference. If the Traffic Studies required in Paragraph C(2) of the Development Order show Acceptable Levels of Service are not being maintained on the roadway segment listed in Table 1 of the Development Order, then Manatee County government shall withhold further Phase Approvals. Phase Approvals shall be withheld until funding commitments

for the improvement necessary to achieve the Acceptable Levels of Service have been obtained which will assure the construction of the roadway segment(s) prior to the anticipated build out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Capital Improvement Plan.

31. The Acceptable Level of Services as defined in the Development Order in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council, the Department of Community Affairs and Manatee County shall be maintained on all of the thoroughfares listed in Table I of the Development Order.
32. Screening and buffering measures that meet or exceed the requirements of the LDC shall be required to separate this development from University Parkway. The type and extent of buffering shall be reviewed and approved at the time Preliminary Development Plans are submitted for approval.
33. Land to be dedicated to Manatee County in connection with the Major Thoroughfare Plan shall be reserved by the developer for dedication, and development plans shall respect and identify the intended future use of such land for road right-of-way. Such land shall be dedicated at any time following the effective date of the rezoning, upon the request of the County.
34. Development of the Arvida Corporate Park shall be in accordance with the policies and long term implementation of the Southeast Task Force Recommendations, provided however, that the Recommendations are to be applied as general guidelines which shall be satisfied by development in accordance with the specific criteria set out in the Recommendations for interim implementation, or with generally recognized best management practices that satisfy the long term implementation Recommendations. Where the clear intent of the Recommendations is the non-degradation of any natural systems, best management practice shall ensure non-degradation.

ADA

35. The stipulations and conditions of approval of the Application for Development Approval (ADA) approved by Resolution are incorporated herein and are made conditions of approval of the rezoning and Conceptual Master Plan approval hereby granted.

Section 3. AMENDMENT OF OFFICIAL ZONING ATLAS The official Zoning Atlas of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE is hereby amended by amending stipulations 17 and 19 of Manatee County Ordinance No. Z-85-01 for the property described in Section 4, herein. Presently zoned PDI/PDC/AF/WP/ST (Planned Development Industrial/Planned Development Commercial/ Agricultural Fringe/Watershed Protection & Special Treatment Overlay District) (218.8+ acres) and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning and Zoning Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. Legal Description:

Arvida Corporate Park Associates

PDI (Planned Industrial Development) Parcel Retaining All Appropriate Overlay Districts.

A parcel of land in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida described as follows:

From the SE corner of said Section 35, run N 89°27'25" W (with bearings referred to grid North of the West zone of the Florida State Plane Coordinate System) along the South line of said Section 35, a distance of 1855.00 feet to the Point of Beginning; thence continue N 89°27'25" W, a distance of 905.78 feet to the S 1/4 corner of said Section 35; thence N 89°28'17" West along the South line of said Section 35, a distance of 605.51 feet; thence N 00°26'00" E, a distance of 1320.00 feet; thence S 89°27'42" E, a distance of 1800.00 feet to the West line of a 160 foot wide Florida Power & Light Company easement; thence N 00°26'00" E along said West line, a distance of 2560.80 feet; thence S 89°27'25" E and parallel to the South line of said Section 35, a distance of 1513.95 feet to the West line of said Section 36; thence continue S 89°27'25" E, a distance of 303.59 feet to a point that is 303.55 feet east of, as measured at a right angle to, the west line of said Section 36; thence S 00°20'22" E and parallel to said west line, a distance of 1711.56 feet; thence N 89°27'00" W, a distance of 303.59 feet to the west line of said Section 36; thence continue N 89°27'00" W, a distance of 361.41 feet to the P.C. of a curve to the left having a radius of 640.00 feet; thence southwesterly along the Arc of said curve through a central angle of 73°00'00", a distance of 815.42 feet to the P.T. of said curve; thence S 17°33'00" W, a distance of 230.88 feet to the P.C. of a curve to the right having a radius of 800.00 feet; thence southwesterly along the Arc of said curve through a central angle of 21°47'12", a distance of 304.20 feet to the P.C.C. of a curve to the right having a radius of 1220.00 feet; thence southwesterly along the Arc of said curve through a central angle of 36°28'25", a distance of 776.63 feet; thence S 00°26'00" W, a distance of 813.16 feet to the Point of Beginning.

Subject to pertinent easements, rights of way and restrictions of record.

Containing 134.92 Acres, more or less.

PDC (Planned Commercial Development) Parcel Retaining All Appropriate Overlay Districts.

Description:

A parcel of land in Section 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida described as follows:

Begin at the SE corner of said Section 35; thence N 89°27'25" W (with bearings referred to grid North of the West Zone of the Florida State Plane Coordinate System) along the South line of said Section 35, a distance of 1855.00 feet; thence N 00°26'00" E, a distance of 813.16 feet to a point on the Arc of a curve to the left whose radius point bears N 14°11'23" W, at a distance of 1220.00 feet; thence northeasterly along the Arc of said curve through a central angle of 36°28'25", a distance of 776.63 feet to the P.C.C. of a curve to the left having a radius of 800.00 feet; thence northeasterly along the Arc of said curve through a central angle of 21°47'12", a distance of 304.20 feet to the P.T. of said curve; thence N 17°33'00" E, a distance of 230.88 feet to the P.C. of a curve to the right having a radius of 540.00 feet; thence northeasterly along the Arc of said curve through a central angle of 73°00'00", a distance of 815.42 feet to the P.T. of said curve; thence S 89°27'00" E, a distance of 361.41 feet to the West line of said Section 36; thence continue S 89°27'00" E, a distance of 303.59 feet to a point that is 303.55 feet East of, as measured at a right angle to, the west line of said Section 36; thence S 00°20'22" E and parallel to said West line, a distance of 2170.00 feet to the south line of said Section 36; thence N 89°23'57" W, a distance of 303.59 feet to the Point of Beginning.

Subject to pertinent easements, rights of way and restrictions of record.

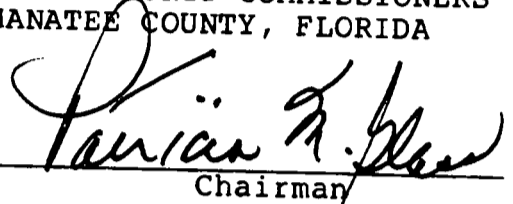
Containing 83.88 Acres, More or Less.

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.

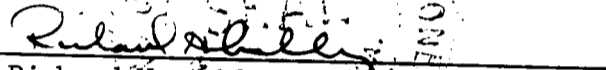
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this 28th day of June, 1990.

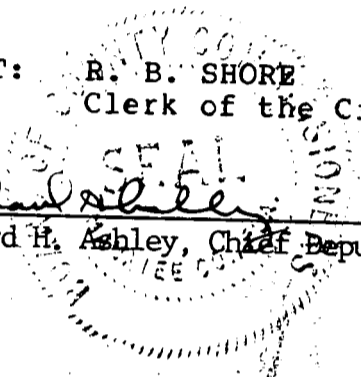
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:


Chairman

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


Richard H. Ashley, Chief Deputy Clerk



COPIES TO:

Joanne - Pz

DATE 7/18/90
BY RL

FILED FOR RECORD
R. B. SHORE
CLERK OF CIRCUIT COURT
MANATEE COUNTY, FLORIDA
JUL 18 12 25 PM '90
OF FLORIDA
OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 28th day of June, 1990.

SUBJECT: ORDINANCE NO. Z-85-01(R):
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING STIPULATIONS 17 AND 19 OF MANATEE COUNTY ORDINANCE NO. Z-85-01 APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 2, 1986. PRESENT ZONING: PDI/PDC/AF/WP/ST; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 6th day of July, 1990, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida


By: R. B. Shore
Chief Deputy Clerk