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PAGE NO. 102

MINUTE BOOK NO. 38

REVISED CONCEPTUAL DEVELOPMENT PLAN  
NO. Z-81-55(R)(C) - AMERIFIRST DEVELOPMENT, INC.

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 81-4; and finding Z-81-55(R)(C) consistent with Manatee County Ordinance No. 80-4, THE MANATEE PLAN, Revised Conceptual Development Plan No. Z-81-55(R)(C) is hereby APPROVED for a revision to the Conceptual Development Plan, approved on April 8, 1982, to meet the stipulation placed on this development by the Board of County Commissioners on December 12, 1985, subject to the following stipulations:

1. At the time of any Preliminary Plan approval for any phase, Level of Service (LOS) "C" daily and "D" peak hour must be maintained on all roadway segments and intersections which receive five or more percent (5%) of its LOS "C" daily or "D" peak hour capacity from all approved phases of this project. If the phase approval may cause the level to be degraded, no approval for that phase shall be granted until the applicant provides a traffic analysis to show no degradation would exist. If the LOS cannot be met, all improvements to comply with this LOS must be done in accordance with the requirements of the Public Works Department. Based upon this Conceptual Development Plan and current conditions affecting traffic patterns, if Preliminary Plans for phases are submitted, including a total of not more than 504 units by December 15, 1989, which plans are consistent with the requirements of the Conceptual Plan and the Manatee County Land Development Code, no traffic study will be required for those plans, as long as they do not expire. However, the County reserves the right to require reasonable traffic control devices (e.g., turn lanes, traffic signals) to assure such LOS requirements.
2. The River Conservation Low Intensity and Moderate Intensity Sub-Area must be shown on all future submittals per the Evers Reservoir Watershed Plan policies.
3. A maximum of three (3) dwelling units per gross acre may be built in the Low Intensity Sub-Area as shown on this Conceptual Development Plan dated September 14, 1988.
4. There shall be a fifty foot (50') buffer zone established between property lines and state and federal jurisdictional wetlands, unless a permit is obtained from the Florida Department of Environmental Regulation (DER) to alter the jurisdictional wetlands.
5. On all preliminary development plans submitted, retention ponds shall be located outside of jurisdictional wetlands unless otherwise permitted by DER and Southwest Florida Water Management District (SWFWMD) as applicable.
6. Sixty percent (60%) of the trees to be replaced must be done so with indigenous species.
7. Prior to Final Development Plan approval, all state and federal permits must be obtained for development activity in jurisdictional wetlands.
8. A preservation easement must be shown on all final plats where state and federal jurisdictional lands are to be preserved from development.
9. All bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by DER.

10. Within thirty (30) days of approval of the Conceptual Plan, the applicant must record a restrictive covenant for the five (5+) acre tract which provides entrance to the site from Whitfield Avenue. This document shall state that this property shall not be used for any use except as the entrance road to this project with the appropriately associated drainage, signage and landscaping. If major amendments to the Conceptual Plan occur in the future, abutting residents will be notified of the public hearings.
11. With the exception of boat launching only, no other boat livery or marina-related activities shall be allowed in the River Conservation and Low Intensity Sub-Areas, provided, however, that boat storage on trailers shall be permitted in the Low Intensity Sub-Areas if developer treats stormwater run off to Outstanding Florida Waters (OFW) standards and such run off is first treated outside of the River Conservation Sub-Area. Further, at the time of development, developer shall post a sign at the entrance to the boat launch stating as follows: "No maintenance of boats, including flushing of boats, is permitted on the boat launch."
12. The developer is required to pay all costs associated with the extension of public water service to the site.
13. Sewer service shall be provided off-site. The developer is required to pay for all costs associated with the connection to a Manatee County utility facility with sufficient capacity. The facility shall be approved by Manatee County prior to Final Development Plan approval for each phase.
14. Manatee County Utilities Department and Manatee County Pollution Control shall approve the design of the water distribution and sewage collection systems. The sewage collection system shall be designed to prevent overflow in the case of a widespread power outage.
15. The developer shall be required to pay a pro rata share of the cost of an elevated water tank to serve the site. Costs shall be determined prior to Final Plan approval.
16. Mote shall be required to contribute a pro rata share of the cost of construction of the sheriff's facilities to serve the site. Costs and method for payment shall be determined prior to Final Development Plan approval for the fifth phase approved.
17. Mote shall be required to petition the appropriate fire district for membership, prior to Final Development Plan approval. Mote shall be required to contribute a pro rata share of the cost of constructing a facility to serve the site.
18. Mote shall make its fair share contribution for a full school facility in the area. This contribution will consist of a donation of ten (10) acres of land for a school site, in lieu of any monetary contribution, if and when analysis indicates that a site on the Mote property is desired for that purpose. Mote shall reserve a ten (10) acre site for this purpose on its Final Development Plan in one of its phases.
19. All means of access and all internal roads, public and private, shall be constructed to County standards and approved by Manatee County. Costs associated with the construction of adequate means of access are the responsibility of the developer.
20. Two (2) means of access are required prior to application of a building permit for the 151st dwelling unit. Construction of a divided boulevard roadway from the Whitfield Road entrance to the proposed Honore Road extension shall be

considered acceptable as a secondary means of access for Phases A, B and C. Such section shall be constructed to County standards, including a twenty-four foot (24') wide pavement, both directions, and a twenty foot (20') wide median strip where not presently constructed as of the date of this stipulation. The existing width of said road and median, where already constructed, shall be acceptable for purposes of this stipulation. For subsequent phases, developer shall construct a twenty-four foot (24') wide shell road, which shall connect to another paved public road for secondary access. Building permits for the final one hundred (100) units shall not be issued until the third paved means of access is completed. All subsequent purchasers within this development shall be notified, in writing, of this requirement at the time of purchase. Developer will be responsible for maintenance of the shell road until such time as it is paved according to County standards.

21. Use of Natalie Way, as a means of access, will require construction to County standards prior to issuance of building permits for the final one hundred (100) units. The intersection at State Road 70 and Natalie Way must be improved to a safe condition in accordance with the Florida Department of Transportation.
22. Prior to Final Development Plan approval, a reasonable monitoring and maintenance program for water quality, water quantity and flow rate shall be submitted for review and approval by the County. The monitoring program above shall include pre-construction baseline monitoring and shall continue during all construction phases and for the life of the project. Compliance monitoring programs and monitoring for purposes of establishing site specific alternative criteria shall be approved by Manatee County Pollution Control. If the established quality and quantity parameters are violated during construction, the County may issue a stop work order until such time as the violations are corrected. Violations shall be subject to other appropriate enforcement action.
23. At all discharge points, water quality must meet any applicable state and local pollution control standards hereafter adopted. The water quality system must have County approval.
24. Flowing wells on site should be left available to maintain augmentation of Evers Reservoir or for irrigation purposes upon receiving permits from applicable agencies pursuant to Southwest Florida Water Management District regulations.
25. Quantity and flow rate from the stormwater system to Evers Reservoir shall not be reduced below predevelopment volumes as determined by the Hydrology Report submitted in November 1981, and as modified by the approved baseline monitoring analysis.
26. Prior to Final Development Plan approval, a plan for erosion and sedimentation controls shall be submitted to and approved by Manatee County.
27. Any duly authorized representative of Manatee County may enter and inspect any property, premises, or place, except a building which is used for private residence, on or at which an air or water contaminant source, or stormwater management facility or system component is located or is being constructed or installed, at any reasonable time for the purpose of ascertaining the state of compliance with applicable County, state or federal law or regulation within the regulatory jurisdiction of the County. ~~Except as otherwise~~ provided by law or constitution, no person shall refuse immediate entry or access to any authorized representative of the County who reasonably requests entry for purposes of

inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. If requested, the owner, or the management company, or their authorized representative, shall receive a report setting forth all facts found which relate to compliance status. All subsequent purchasers within this development shall be notified, in writing, of this requirement at the time of purchase.

28. The Owner and the Company shall be responsible for the performance of the stormwater system to meet all applicable water quality and quantity criteria. Prior to Final Plan approval, adequate security shall be provided by Mote in the form of a performance or surety bond to guarantee compliance during construction until the stormwater management system is certified and permitted by the appropriate government agencies, at which time said security shall be released.
29. Prior to Final Development Plat or Plan approval, whichever occurs later, for each phase, the applicant must submit approved DER and SWFWMD permits in accordance with the Evers Reservoir Small Area Plan requirement.
30. Stormwater discharge, either direct or indirect, shall not cause a receiving water body (water of the state) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, Florida Administrative Code, or any other applicable state or local regulations that may be adopted at a later date. Evidence that this request is being met shall be submitted and reviewed pursuant to the monitoring program specified in stipulation No. 22 above.
31. Prior to the Final Development Plan approval for each phase, the applicant must show that stormwater management structure/practices conform to Outstanding Florida Waters (OFW) regulations (provide 150% of the treatment required by Chapter 17-25 of the Florida Administrative Code). Designs for these stormwater management structures must be incorporated in SWFWMD surface water management permits, and proof of permit must be demonstrated by the applicant.
32. The commercial project, if located in the low intensity zone, must design stormwater management systems to meet Outstanding Florida Waters criteria (provide 150% of the stormwater treatment required by Chapter 17-25 of the Florida Administrative Code).  
  
In addition, the commercial operations must prove, through site plans and inspections, that storage areas for potentially harmful substances that could threaten water quality in the one hundred (100) year storm event have been constructed above the one hundred (100) year flood elevation for that site.  
  
Such potentially harmful substances are as listed in the Federal Toxic Substances Control Act (TSCA) and the Resource Conservation and Recovery Act (RCRA), and implementing regulations.
33. Commercial uses in the Low Intensity Zone must meet stormwater treatment criteria in excess of those requirements specified in Chapter 17-25 of the Florida Administrative Code.
34. Prior to Final Development approval for each phase, the developer shall warranty, by bond or other mechanism acceptable to the County, the performance of its stormwater management system for each phase in compliance with County and state standards for five (5) years beyond the build-out period of development within each hydrologic unit.

35. After build-out, the homeowners association or, if created by Manatee County, a special taxing district, shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in this development approval.
36. Mote shall submit an annual report detailing progress on the development. The report shall be submitted on the anniversary date of this Conceptual Development Plan approval. Reports shall be submitted annually through the period required for completion of the water quality and quantity monitoring program. The reports shall contain the following information:
- a. Identify any changes in the proposed plan of development, phasing or the presentation for development contained therein, made since the last progress report, including a summary of the number of units and densities proposed to be located in the low intensity sub-area for each phase.
  - b. Description of development activities since the last annual report, including a summary of development to date.
    - (1) Residential units (by type) and location.
    - (2) Commercial square footage constructed.
  - c. A description of development activity proposed to be conducted in the year immediately following.
  - d. A description of access and roadway improvements since the last annual report.
  - e. Identify dates of agreements on all stipulated conditions since the last annual report. If no agreement has been reached, so indicate. If agreement has been reached, identify the date of the agreement.
  - f. A statement setting forth the names and addresses of any assignees or successors in interest to this development.
37. Copies of the annual report shall be submitted to the Manatee County Planning and Development; Pollution Control; Transportation; and Utilities Departments.
38. The development of the project shall be done as shown on the approved Phasing Plan and shall meet the following phasing schedule. Further, Preliminary Development Plans for each phase shall be submitted consistent with the timeframes for the entire project as set forth below:

No. of Units	Timing Period for Submittal	
118	January 1, 1989	- December 31, 1989
424	September 15, 1988	- December 31, 1992
424	January 1, 1993	- December 31, 1996

All necessary infrastructures for each phase shall be available at the time of submittal or shall be required as a condition of plan approvals.

APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this the 15<sup>th</sup> day of September, 1988.

ATTEST: R. B. SHORE  
Clerk of the Board of County Commissioners

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: K. S. O. Challa  
Chairman