

FILED [REDACTED] RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

DEC 31 2 18 AM '99

ORDINANCE NO. 99-50

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL (ADA) FOR A SUBSTANTIAL DEVIATION TO AN EXISTING DEVELOPMENT OF REGIONAL IMPACT (DRI) FILED BY THE SARASOTA MANATEE AIRPORT AUTHORITY (SMAA) FOR THE SARASOTA BRADENTON INTERNATIONAL AIRPORT DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Sarasota Manatee Airport Authority (referred to as "SMAA" or "Authority"), possesses a Final Order approved by the Florida Land and Water Adjudicatory Commission on November 26, 1986 (Initial Development Order) for the Sarasota Bradenton International Airport (SBIA); and

WHEREAS, The SMAA possesses an amended Development Order for the Sarasota Bradenton International Airport from Manatee County, R-90-98 (First Amendment); and

WHEREAS, pursuant to Subsections 380.032(3) and 380.06(8), Florida Statutes, and Rule 9J-2.0185, F.A.C., the Authority entered in to a Preliminary Development Agreement with the State of Florida Department of Community Affairs (DCA) on February 7, 1995 (AGM-984-001), for the Sarasota Bradenton International Airport Improvement Project, to construct aviation and non-aviation improvements that were not part of the then current DRI approval; and

WHEREAS, the improvements listed in the Preliminary Development Agreement were consistent with the SMAA Master Plan, approved by the Federal Aviation Authority, and approved by DCA, subject to further DRI review; and

WHEREAS, on May 13, 1998 and again on April 1, 1999, the Preliminary Development Agreement (AGM-984-001) was amended to construct light industrial development on Outparcel #2 that was not part of the then current DRI approval or the original PDA; and

WHEREAS, on November 30, 1996, the SMAA filed an Application for Development Approval (ADA) for a Substantial Deviation to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Application for Development Approval includes all development proposals included in the approved Preliminary Development Agreement, in addition to other newly proposed airport, aviation related, and outparcel development on lands owned by the Authority; and

WHEREAS, the Tampa Bay Regional Planning Council, The Southwest Florida Regional Planning Council, the City of Sarasota, Sarasota County, and Florida Department of Community Affairs were

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provided copies of the Application for Development Approval by the SMAA and were, therefore, afforded the opportunity to comment on the proposed change; and

WHEREAS, the Sarasota Manatee Airport Authority acknowledged and the Tampa Bay Regional Planning Council confirmed that the change proposed does constitute a Substantial Deviation pursuant Subsection 380.06 (19)(b)2., Florida Statutes; and

WHEREAS, the Planning Commission has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on December 15, 1999, held a duly noticed public hearing on said Substantial Deviation to the Sarasota Bradenton International Airport DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant; and

WHEREAS, portions of the described Project lie within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THIS AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE SARASOTA BRADENTON INTERNATIONAL AIRPORT SUBSTANTIAL DEVIATION, SUBJECT TO THE CONDITIONS CONTAINED IN THIS ORDER, ADEQUATELY ADDRESSES THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners, after considering the testimony, evidence, Application for Development Approval, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings; hereby makes the following findings of fact:

- A. All "**WHEREAS**" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. On November 30, 1996, Fredrick J. Piccolo, authorized agent for the Applicant, Sarasota-Manatee Airport Authority ("SMAA") submitted to Manatee County an Application for Development Approval (ADA) for a Substantial Deviation to a Development of Regional Impact (DRI), known as Sarasota Bradenton International Airport.
- C. The following information, commitments, and impacts mitigating provisions submitted by the SMAA are hereby incorporated in this Development Order by reference:
 - (a) Substantial Deviation (ADA): received November 30, 1996.

- (b) Substantial Deviation (ADA) Appendices: received November 30, 1996.
 - (c) Substantial Deviation (ADA) First sufficiency response: June 30, 1997.
 - (d) Substantial Deviation (ADA) Second sufficiency response: December 1, 1997.
 - (e) Substantial Deviation (ADA) Third sufficiency response: February 4, 1998.
 - (f) Substantial Deviation (ADA) Fourth sufficiency response: March 5, 1999.
- D. In construing and enforcing the provisions of the documents incorporated in this Development Order by 1.C. above, the following shall apply:
- (a) The most recent response of the SMAA in the referenced document shall control over previous response, whenever there is a conflict, otherwise the responses shall be considered cumulative.
 - (b) Any information, commitments, or impact mitigating provisions in the above-referenced documents which are inconsistent with the specific conditions set forth in this ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.
- E. The Sarasota Bradenton International Airport ("Airport") formerly known as Sarasota Bradenton Airport, consists of approximately 1,122.31 acres and is located in Manatee County, the City of Sarasota, and Sarasota County, and is described in Section 16 of this Development Order. Approximately 902.34 acres of the total DRI are located within unincorporated Manatee County.
- F. Development of the site is currently governed by DRI Development Orders and Preliminary Development Agreements of the jurisdictions listed below:
- (1) Manatee County:
 - a. Final Order approved by the Florida Land and Water Adjudicatory Commission on November 26, 1986 (Initial Development Order).
 - b. Resolution No. 90-98, approved July 26, 1990. (First Amendment).
 - (2) Sarasota County:
 - a. Resolution No. 85-48, approved October 15, 1985. (Initial Development Order).
 - b. Resolution No. 86-78, approved February 11, 1986. (First Amendment).
 - c. Resolution No. 87-516, approved October 6, 1987. (Second Amendment).
 - d. Resolution No. 85-151, approved May 16, 1989. (Third Amendment).
 - e. Resolution No. 94-201, approved July 26, 1994. (Fourth Amendment).
 - (3) City of Sarasota:
 - a. Resolution approved November 4, 1985 (Initial Development Order).
 - b. Resolution approved on February 26, 1986 (First Amendment).

c. Resolution approved on August 18, 1986 (Second Amendment).

- (4) Florida Department of Community Affairs:
- i. Preliminary Development Agreement (File No. AGM 984-001B) approved January 31, 1995.
 - ii. First Amended and Restated Preliminary Development Agreement (File No. AGM 984-001B) dated May 13, 1998.
 - iii. Second Amended and Restated Preliminary Development Agreement (File No. AGM 984-001B) dated April 1, 1999.

G. The foregoing development orders have resulted in the existing, authorized, and approved development of the site, including development that existed on July 1, 1973, the effective date of Chapter 380, Florida Statutes, as follows:

- (1) Primary runway 14-32: 7,003 ft. x 150 ft.; 190,500 lbs pavement strength
- (2) Secondary runway 4-22: 5,004 ft. x 150 ft.; 115,000 lbs. pavement strength
- (3) Taxiways A, B, C, and F and taxiways for Dolphin Aviation and Jones Aviation
- (4) Air carrier apron: 895,500 s.f.
- (5) FAA air traffic control tower
- (6) General aviation aprons: 43,560 s.f.; 104 tie down spaces
- (7) General aviation hangars: 126
- (8) Air carrier terminal: 305,000 s.f.; 13 gates
- (9) General aviation terminals: 15,100 s.f.
- (10) Fuel farms:
 - a. commercial airlines: 130,000 gal.
 - b. general aviation: 174,000 gal.
- (11) Automobile parking
 - a. Public: 1,431 spaces
 - b. Employee: 446 spaces
 - c. Car rental ready return: 259 spaces
 - d. General aviation: 110 spaces
- (12) Miscellaneous aviation facilities:
 - a. Air freight terminal: 19,746 s.f.
 - b. Fire rescue station: 12,286 s.f.
 - c. Toll plaza operations: 1,066 s.f.
 - d. Auditorium/office: 6,220 s.f.
 - e. Facilities/O'Day Bldg.: 39,780 s.f.
 - f. New electrical vault: 1,725 s.f.
 - g. Old electrical vault: 425 s.f.
 - h. Restroom D: 484 s.f.
 - i. Restroom J: 484 s.f.
 - j. Agape Flight hangar/office: 5,760 s.f.
 - k. F.I. International hangar/office: 1,600 s.f.
- (13) Rental car maintenance facilities:
 - a. Alamo Rent A Car, Inc.: 5,880 s.f.
 - b. Avis Rent A Car System, Inc.: 2,613 s.f.

- c. Budget Rent A Car Systems, Inc.: 6,000 s.f.
- d. Hertz: 3,720 s.f.
- e. National Car Rental Systems: 3,780 s.f.
- f. Dollar Rent A Car, Inc.: 1,243 s.f.

(14) Non-aviation tenant facilities:

- a. Quonset Hut No. 1335 (Dynasty Boats): 10,260 s.f.
- b. Quonset Hut No. 1206:(Treadco Tire & Security 1st Storage) 26,404 s.f.
- c. Airport Shell: 2,343 s.f.
- d. Airport Plaza Ltd. (Silk Warehouse): 32,980 s.f.
- e. Airport Flyers, Inc. (Airport Mall): 35,700 s.f.
- f. Asolo Theater (FSU Foundation): 21,680 s.f.
- g. County Line Investments (Gilbert Waters): 30,616 s.f.
- h. Gulf Coast Karting: Racetrack
- i. University Self Storage (f.k.a. Sassaman): 9,843 s.f.
- j. 1349 University Parkway: 16,572 s.f.

(15) Daily enplanements: 1,700 passengers

(16) External vehicle trips: 10,277 (average daily trips; 591 Total PM peak hour trips comprised of 296 in and 295 out at build-out.

H. The SMAA ADA proposed the following additional development, referred to herein as the "SBIA Substantial Deviation":

- (1) Runway 14-32 extension: add 1,150 feet at the southeast end and 1,350 feet at the northwest end, for total runway length of approximately 9,500 feet.
- (2) Expansion of terminal by 175,000 s.f., including a maximum of nine additional air carrier or commuter gates, and associated infrastructure such as aprons, taxiway lanes and connectors, lighting, security, access roads, and utilities.
- (3) Public parking structure: 800 spaces (Height not to exceed height of existing terminal)
- (4) General aviation facilities (LUC 022) consisting of:
 - a. 100 new T-hangars to be located on land not currently under lease to any fixed base operator (FBO).
 - b. 23 T-hangars to be located on airport land under lease by Dolphin Aviation, a FBO.
 - c. Corporate hangars to accommodate up to six aircraft, to be located on land not currently under lease to any FBO.
 - d. One corporate hangar to accommodate up to seven aircraft, located on airport land leased by Dolphin Aviation, an FBO.
 - e. Two corporate hangars to cumulatively accommodate up to eight aircraft to be located on airport land leased by Jones Aviation, a FBO.
- (5) Replacement of the existing picnic shelter building with the shelter not to exceed 10,000 s.f.
- (6) Wash facilities for equipment and vehicles.
- (7) Signs.
- (8) Outparcel development:

<u>Outparcel No.</u>	<u>Land Use</u>	<u>Intensity</u>
1.	a. Commercial or warehouse (LUC 814)	32,980 s.f.
	b. Golf Drive Range (LUC 430)	
	Par-3 golf course	
	Accessory pro-shop	1,200 s.f.
		(±21.26 total acres)
2.	Not to exceed an aggregate total of 315,000 s.f. of the following uses, including 125,000 s.f. of existing structures (±51.32 total acres):	
	a. Light Industrial (LUC 11)	100,000 s.f.
	b. Warehouse	120,000 s.f.
	c. Heavy Commercial	100,000 s.f.
	d. Research/Office Park	80,000 s.f.
	e. General Commercial	60,000 s.f.
3.	Not to exceed an aggregate total of 25,000 s.f. of the following uses (±6.79 acres):	
	a. Office (LUC 715)	20,000 s.f.
	b. Convenience Market, Gas Pumps	3,000 s.f.
	c. Airport Related Retail or Warehousing	22,000 s.f.
	d. Quality Restaurant	7,000 s.f.
4.	Not to exceed and aggregate total of 50,000 s.f. of the following uses, excluding the hotel (±18 acres):	
	a. Hotel (LUC 312)	200 rooms
	b. Professional Office (LUC 715)	40,000 s.f.
	c. Automotive Sales (LUC 715)	25,000 s.f.
	d. Quality Restaurant - (LUC 831)	7,000 s.f.
	e. Fast Food Restaurant	3,000 s.f.

- I. On October 7, 1993, the SMAA adopted a master plan which was accepted by the FAA, including an airport layout plan (ALP) which was approved by the Federal Aviation Administration (FAA). The master plan and ALP set forth the types of development needed to meet the short and long term air transportation needs of the air service area and to ensure compatibility of the Airport with its environs.
- J. On June 2, 1995, the FAA issued a Finding Of No Significant Impact (FONSI) that the proposed Runway 14/32 extension is consistent with federal national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA), and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(c) of NEPA. through 24.

- K. On October 24, 1995, a pre-application meeting was held for the proposed Substantial Deviation DRI, at which the regional planning councils agreed to the elimination of standard ADA questions 12 through 16, 22, 24 (A and C) and 26 through 30, and to the modification of questions 17 through 20, and 23
- L. On April 15, 1997, the FAA determined that an updated future (2000) noise exposure map (NEM) for the Airport was in compliance with the requirements of FAA Regulation, Part 150; and on October 9, 1997, the FAA approved the Airport's noise compatibility plan (NCP) update.
- M. On May 13, 1998, the First Amended And Restated Preliminary Development Agreement was approved.
- N. On April 1, 1999, the Second Amended And Restated Preliminary Development Agreement was approved.
- O. On June 25, 1999, the Tampa Bay Regional Planning Council notified Manatee County that the SMAA had declared themselves sufficient by letter dated June 18, 1999 and directed the County to set the local public hearing dates on the Substantial Deviation (ADA), pursuant to Subsection 380.06(11)(d), Florida Statutes. Manatee County subsequently requested that the SMAA waive the requirement to hold the public hearing within 90 days and by letter dated June 30, 1999, the SMAA consented. The hearing was scheduled for October 7, 1999 and subsequently canceled and rescheduled to October 21, 1999 at the request of the SMAA.
- P. On October 11, 1998, the Tampa Bay Regional Planning Council held a duly noticed public meeting on the Substantial Deviation (ADA), received all pertinent testimony and evidence, and pursuant to Section 380.06(12), Florida Statutes, issued a report recommending approval of the proposed substantial deviation.
- Q. On October 21, 1999, the Manatee County Planning Commission held a duly noticed public hearing on the Substantial Deviation ADA, received all pertinent testimony and evidence, including the Tampa Bay Planning Council report and recommendations, and recommended denial of the Substantial Deviation ADA.
- R. On December 15, 1999, The Board of County Commissioners held a public hearing regarding the Application for Development Approval for the SBIA DRI Substantial Deviation, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- S. The Board of County Commissioners of Manatee County, considered all matters relevant to the proposed substantial deviation (ADA), including the report and recommendations of the Tampa Bay Regional Council, the State of Florida Department of Community Affairs, the Manatee County Planning Commission, and all pertinent testimony and evidence.

- T. When developed in accordance with the conditions imposed by this Development Order, the SBI A Substantial Deviation:
1. will have a favorable impact on the environment and natural historical resources of the region;
 2. will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
 3. will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;
 4. will efficiently use public transportation facilities;
 5. will favorably affect the ability of people to find adequate housing, reasonably accessible to their places of employment; and
 6. complies with such other criteria for determining regional impact as the regional planning agency deems appropriate, including but not limited to, the extent to which the development would create an additional demand for, or additional use of, energy.
- U. The real property which is the subject of the ADA is legally described in Section 15 of this Ordinance.
- V. The development is not in an area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The concerns raised in DCA's December 20, 1996, July 29, 1997, November 18, 1999 and TBRPC's December 31, 1996, January 3, 1997, July 30, 1997, January 7, 1998, and March 6, 1998 letters have been addressed. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on October 11, 1999, as conditioned herein.
- C. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct

development as described herein, subject to the conditions, restrictions, and limitations set forth below.

- D. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT AND RESTATEMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #15 (TBRPC DRI #124).

The previous Development Order for the Sarasota Bradenton International Airport in Manatee County, which was the Final Order issued by the Florida Land and Water Adjudicatory Commission on November 26, 1986 and subsequently amended by Manatee County Resolution 90-98, is hereby amended and replaced by this Ordinance, as follows:

SECTION 4. DEFINITIONS.

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Manatee County Comprehensive Plan. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application" and "Application for Development Approval" or "ADA" shall mean Sarasota Manatee Airport Authority's DRI Substantial Deviation ADA submitted on November 30, 1996 and sufficiency responses submitted on June 30, 1997, December 1, 1997, February 4, 1998 and March 5, 1999.
- 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.
- D. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- E. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.

- F. "Developer" shall mean Sarasota Manatee Airport Authority (SMAA), their heirs, assigns, designees, agents, and successors in interest as to the Sarasota Bradenton International Airport DRI.
- G. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- H. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, 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 the improvement is within the first two years of the responsible entity's 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 or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development. Compliance with Conditions B.(3), (4), and (5) shall also constitute a funding commitment.
- I. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- J. "Master Development Plan" shall mean General Development Plan Maps H, H1, H2, H3, and H4, attached as Exhibits 1, 2, 3, 4, and 5, and incorporated by reference.
- K. "Owner" shall mean the Sarasota Manatee Airport Authority and their assigns, designees, agents, and successors in interest.
- L. "Phase" shall mean the development totals listed in Tables 1, 2, 3, 4, and 5.
- M. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by this project in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally based on data submitted with the ADA.

- N. "Vertical Development" shall mean and be deemed to include the new construction of any building or structure or the addition to any existing structure.
- O. "Warranted" shall mean a determination by the County 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 reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- P. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined.

SECTION 5. DEVELOPMENT CONDITIONS.

DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS.

- A(1). This Development Order approval shall constitute approval of the ADA Substantial Deviation, subject to the conditions set forth herein and shall be limited to the development amounts set forth in Tables 1, 2, 3, 4, and 5 below. Development is approved in three (3) phases. Phase 1 constitutes the year 2000 development and is specifically approved. The land uses proposed in Phases 2 and 3 are approved in concept, however, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements for Phases 2 and 3. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

Prior to construction of the proposed parking garage, the SMAA shall conduct a study to ascertain whether such development is likely to cause the carbon monoxide ambient air quality standards of Rule 62-272 F.A.C. to be exceeded. If the study shows that such standards will likely be exceeded, or the development will generate peak hour flow inside the parking garage equal to or greater than 750 vehicles per hour, the SMAA will be required to address the impact through a NOPC, pursuant to Subsection 380.06 (19), F.S.

- A(2). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order 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 specifically addressed in this Development Order or are not inconsistent with this Development Order 4.

A(3). The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Certificate of Level of Service for Phase 1 until December 15, 2004.

A(4). The ADA and four sufficiency responses are hereby incorporated by reference.

TABLE 1
Sarasota Bradenton International Airport - Outparcel #1
Allowed Development Totals

Outparcel #1					
Land Use [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Golf Driving Range [380.0651(3)(f)]	19.4 acres	n.a.	n.a.	19.4 acres	19.4
Pro Shop [380.0651(3)(f)]	n.a.	1,200 s.f.	n.a.	1,200 s.f.	
Commercial/ Warehouse [380.0651(3)(c)&(f)]	32,980 s.f.	n.a.	n.a.	32,980 s.f.	1.86
Build-out dates		12/31/05	12/31/10	12/31/15	21.32

TABLE 2
Sarasota Bradenton International Airport - Outparcel #2
Allowed Development Totals

Outparcel #2					
Land Use [380.0651 Guidelines]	Existing Amount & Phase 1	Phase 2	Phase 3	Total Amount	Total Acres
Light Industrial [380.0651(3)(c)]	90,000* s.f.	n.a.	84,000 sf.	174,000 s.f.	32
Warehouse [380.0651(3)(c)]	108,530** s.f.	n.a.	n.a.	108,530 s.f.	14.9
Manufacturing [380.0651(3)(c)]	9,917*** s.f.	n.a.	n.a.	9,917 s.f.	1.0

Heavy Commercial (Tire Store) [380.0651(3)(f)]	7,144*** s.f.	n.a.	n.a.	7,144 s.f.	1.4
General Commercial (Auto care center/ truck repair) [380.0651(3)(f)]	16,000 s.f.	n.a.	n.a.	16,000 s.f.	1.5
Build-out Total	231,591 s.f.			315,591s.f	50.79
Build-out dates		12/31/05	12/31/10	12/31/15	

* Includes 70,000 sq. ft. authorized under the 1st amended PDA and 10,200 sq. ft. authorized under the 2nd amended PDA.

** Represents a Cumulative Total of 108,530 sq. ft. of Vested Warehouse space (35,700 sq. ft./Airport Mall; 28,258 sq. ft./County Line Investments; 9,843 sq. ft./Sassaman Self-Storage; 16,572 sq. ft./Sassaman Self Storage; and 18,157 sq. ft./Security First Storage).

*** Existing and vested development

TABLE 3
Sarasota Bradenton International Airport - Outparcel #3
Allowed Development Totals

Outparcel #3						
Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Phase 3	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	15,000 s.f.	n.a.	n.a.	15,000 s.f.	3.5
Quality Restaurant [380.0651(3)(f)]	n.a.	7,000 s.f.	n.a.	n.a.	7,000 s.f.	1.5
Fast Food [380.0651(3)(f)]	n.a.	3,000 s.f.	n.a.	n.a.	3,000 s.f.	1.79
Build-out Total					25,000 s.f.	6.79
Build-out Dates		12/31/05	12/31/10	12/31/15		

TABLE 4
Sarasota Bradenton International Airport - Outparcel #4
Allowed Development Totals

Outparcel #4						
Type <small>(380.0651 Guidelines)</small>	Existing Amount	Phase 1	Phase 2	Phase 3	Total Amount	Total Acres
Hotel [380.0651(3)(g)]	n.a.	n.a.	200 rooms	n.a.	200 rooms	8.35
Office [380.0651(3)(d)]	n.a.	n.a.	5,000 s.f.	20,000	25,000 s.f.	4.0
Auto Sales [380.0651(3)(f)]	n.a.	n.a.	25,000 s.f.	n.a.	25,000 s.f.	5.0
Build-out Total	n.a.	n.a.	30,000 s.f.	20,000 s.f.	50,000 s.f. 200 rooms	17.35
Build-out Dates		12/31/05	12/31/10	12/31/15		

TABLE 5
Sarasota Bradenton International Airport Allowed Development Totals

Airport and Aviation Related Development						
Type (380.0651 - Airports)	Existing Amount	Phase 1	Phase 2	Phase 3	Total Amount	Total Acres
Runway 14/32, including associated taxiways and connectors, aprons, lighting, security, access, roads, utilities, and other infrastructure	7,003 l.f.	2,500 l.f.			9,503 l.f.*	1,122.31 Total Acres with 902.4 In Manatee County
Noise Barrier Berms and Walls	n.a.	Required				
Terminal Expansion	305,000 s.f. 13 gates		175,000 s.f. 9 Air carrier or commuter gates		175,000 s.f.**	
Enplanements - Commercial Carriers	930,000* **	930,000***	1,092,000	1,274,000		
General Aviation Operations	88,000	88,000	101,300	116,590		
General Aviation Facilities (Hangar spaces)****	126	144			270	
Parking Garage			800 spaces		800 spaces	
Build-out dates		12/31/2005	12/31/10	12/31/15		

* The southeasterly 1,150 l.f. extension of runway 14/32 is located in Sarasota County.

** The Terminal building is partially located within Manatee County.

*** The approved number of commercial enplanements includes those occurring before July 1, 1973 (i.e., vested with respect to DRI requirements) and enplanements authorized as a result of the current development order (FLWAC Final Order) for which required mitigation was completed. The number of existing enplanements is less than that shown because air traffic has decreased at SBIA.

**** 126 hangar spaces were existing prior to Preliminary Development Agreement (File No. AGM 984-001B) approved January 31, 1995. This PDA authorized 144 hangar spaces, as follows:

- 100 new T hangars (not on land leased to a FBO);
- 23 T hangars at Dolphin Aviation;
- Corporate hangars for 6 aircraft (not on land leased to a FBO);
- 1 corporate hangar for 7 aircraft at Dolphin Aviation; and
- 2 corporate hangars for 8 aircraft at Jones Aviation.

- A(5). The maximum allowable height for all structures at the Airport and Outparcels shall comply with all FAA regulations relative to clear zones, imaginary surfaces, etc. In addition, the maximum height of structures on the four Outparcels shall be limited by Manatee County Land Development Code requirements and any specific height limits specified in Manatee County Zoning Ordinance PDMU-97-02(Z)(G).

TRANSPORTATION CONDITIONS.

- B(1). The Developer has provided for a bus stop at a location within the project. The provision of this bus stop meets all current requirements for Transportation System Management actions required by the reviewing agencies.
- B(2). Effective upon the approval of this Ordinance, a biannual monitoring program to provide p.m. peak-hour counts at all SBIA entrances shall be instituted to verify that the projected number of external trips for the development, as determined by the developer's traffic engineer and approved by the County, are not exceeded.

Effective upon the SBIA achieving 930,000 enplanements per year, the required monitoring program shall be converted to an annual basis to provide p.m. peak-hour counts at all SBIA entrances.

Effective upon any additional vertical development on Outparcel #2 or 1 year before commencing Phases 2 or 3, whichever occurs soonest, an annual monitoring program to provide p.m. peak-hour counts at all Outparcel #2 entrances shall be instituted to verify that the projected number of external trips for the development, as determined by the developer's traffic engineer and approved by the County, are not exceeded.

Traffic monitoring of p.m. peak-hour counts shall be required at all four Outparcel access points for Phases 2 and 3. Counts will continue through build-out.

Traffic monitoring information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts by more than 15 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments.

If the trip count variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), F.S., will 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.

- B(3). Prior to any Preliminary Site Plan, Final Site Plan, or Construction Plan approval in Phases 2 or 3, the applicant shall submit a new transportation analysis for further 380.06 review, as described in Condition A(1), above.

AIR QUALITY AND LAND.

- C(1). Manatee County shall reserve the right to require mitigation measures or a revision of the General Development Plan to alleviate potential impacts of the project on ambient air quality. Manatee County shall not require any additional or new air quality mitigation measures unless such measures are also being required of other developments in the vicinity of the project.
- C(2). The Developer shall comply with applicable requirements of the Florida Department of Environmental Protection's air quality regulations prior to construction of any parking garage.
- C(3). The soil conservation measures and the measures to reduce erosion, fugitive dust, and air emissions referenced in the ADA shall be implemented. The measures to reduce erosion, fugitive dust and air emissions referenced on pages 15-3 and 22-1 of the ADA, at minimum, shall be implemented.

WATER QUALITY, WETLANDS, AND DRAINAGE.

- D(1). Airport water quality management shall use a combination of structural and nonstructural Best Management Practices to achieve the pollutant load reduction criteria of FAC 62-40 and meet the water quality criteria of FAC 62-302. These Best Management Practices shall also be consistent with FAA Advisory Circular 150/5200-33 "Hazardous Wildlife Attractants on or Near Airports." The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapters 40D-4, 17-25, 62-3, 62-25, and 63-302, FAC. Best Management Practices shall also include the practices listed on pages 55 A-E of the ADA.
- D(2). A ground water quality monitoring program shall be required if additional wells are constructed on-site. The requirements of the ground water monitoring program shall be set forth, if deemed necessary, by SWFWMD in the permit documents.
- D(3). 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(4). Airport water quality management shall reduce peak flows to the Bowlees Creek basin to levels below the existing peak discharge during the 25-year, 24-hour storm event. Airfield drainage shall also be consistent with FAA Advisory Circular 150/5320-5b "Airport Drainage."
- D(5). The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.
- D(6). The Airport Authority shall assume all maintenance responsibilities for the stormwater management system.
- D(7). Drainage infrastructure improvements constructed before the Section 380.06, F.S. review if completed shall be a the developers risk and shall not vest subsequent development rights.
- D(8). During construction, appropriate measures shall be taken to prevent erosion, turbidity, oils and lubricants from impacting surface waters. the use of sediment basins in conjunction with absorbent filter pads (to aid in the removal of oils and grease) plus other appropriate controls shall be provided by the Airport Authority.
- D(9). If dewatering and impounding during construction activities results in a body of transitory water standing more than 72 hours, the Airport Authority shall notify all applicable county mosquito control district in order that appropriate control measures may be undertaken.
- D(10). The Airport Authority shall provide stocking of mosquito eating fish (i.e. Killi Fish, Gambusia) in retention/detention ponds or other permanent water holding areas, in consultation with all applicable county mosquito control districts.
- D(11). The Sarasota-Manatee Airport Authority shall routinely maintain and monitor all stormwater retention/detention systems and the perimeter ditch. If necessary, the Airport Authority shall provide restoration measures at the above to ensure proper and continual functioning as designed for.
- D(12). The Sarasota-Manatee Airport Authority shall be responsible for the routine maintenance of all open space areas within the project site, including retention/detention areas and the perimeter ditch.
- D(13). If any new or altered stormwater management systems utilizing a non-presumptive design are approved, the SMAA shall implement a surface water quality monitoring program approved by the SWFWMD prior to any site alteration activities. Details of the monitoring program shall be approved by SWFWMD. Appropriate mitigation, including additional water treatment, will be required if the treated stormwater does not meet appropriate standards.

FLOODPLAIN.

- E(1). Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

ECONOMICS.

- F(1). The SMAA shall promote entrepreneurship and small and minority-owned business start up, and encourage non-discriminatory employment opportunities.

WILDLIFE HABITAT AND VEGETATION.

- G(1). In the event any species listed in Rule 68A-27.003 through Rule 68A-27.005, FAC are observed frequenting the sites of Outparcels 1, 2, 3, or 4 for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Fish and Wildlife Commission (FFWC) and Manatee County EMD. This may include a wildlife management plan which contains information on impacts to listed species, site maintenance, and boundary protection. With respect to the Airport property, the requirements stated above shall not preclude SMAA from utilizing the provision of Rule 68A-27.002, F.A.C. if aircraft safety and human lives are in imminent jeopardy.

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 DHR 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 subsequent annual reports, to be submitted for review to DHR in addition to Manatee County.

WASTEWATER.

- I(1). Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up to provide assurance against equipment failure and discharge to the environment. This design shall include:
- a. lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. wet wells to contain sewage line surcharges or overflows.
 - d. emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.
- I(2). The Developer* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Any new infrastructure shall be built and maintained in accordance with this approval. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs shall be submitted to the Public Works Department.
- I(3). Disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39), or its successors.
- I(4). The Developer* shall not utilize on-site wastewater treatment.

- I(5). The SMAA shall comply with all current design, construction, and maintenance requirements of the public utilities departments of all applicable local governments with regard to wastewater collection and disposition.
- I(6). The SMAA shall finance expansion/construction of the entire on-site wastewater treatment system and any necessary off-site expansion to assure that adequate wastewater capacity exists to accommodate the project. Additionally, the SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by the public utilities departments of all applicable local governments as a result of the project.

WATER.

- J(1). The Developer* shall use only non-potable water to meet non-potable demands to the maximum extent practicable. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public potable water utility. If reclaimed water 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 reclaimed water for irrigation purposes.
- J(2). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. This shall include the use of toilets requiring no more than 1.6 gallons per flush and installation of self-closing and/or metered water faucets in all public and commercial restroom facilities. Native vegetation or xeriscape techniques shall be used in landscaping to the greatest extent practicable.
- J(3). The SMAA shall comply with all current design, construction and maintenance requirements of the public utilities departments of all applicable local governments with regard to water supply and distribution.
- J(4). The SMAA shall finance expansion/construction of the entire on-site water distribution system and any necessary off-site expansion to assure that adequate water capacity exists to accommodate the project. Additionally, SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by Manatee County as a result of the project.
- J(5). The SMAA shall maintain all water lines and fire hydrants in accordance with that certain agreement between the SMAA and Manatee County dated February 28, 1995.
- J(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.

SOLID WASTE.

- K(1). The Developer* shall provide to all on-site tenants and 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 or areas.
 - b. concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment.

- 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 applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
- K(3). Separate hazardous waste storage areas within the project shall be provided by SMAA for its operations and tenants shall be required to provide separate hazardous waste storage areas if not permitted to use those of SMAA. These areas shall be accessible to all businesses and shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Subsection 403.703(21), F. S., and listed in Title 40 CFR part 261).
- K(4). The SMAA shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ENERGY.

- L(1). The Developer* shall notify all tenants and businesses that the following related practices are encouraged:
- a. energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible.
 - b. energy audits provided by energy companies or other qualified agencies.
 - c. water heater timers and water heaters set at 130 degrees Fahrenheit or lower.
 - d. energy conservation by employees.
 - e. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate.
 - f. recycling programs.
 - g. energy efficient packaging or recyclable materials.
- L(2). The Developer* shall designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses.

RECREATION AND OPEN SPACE.

- M(1). All open space areas not dedicated to the County or other state agencies shall be maintained by the Developer.

NOISE

Noise Barriers

N(1). In order to mitigate noise exposure in areas located within close proximity to the end of the proposed Runway 14 extension, and prior to use of such runway extension, the SMAA shall construct noise barriers (earthen berms or wall structures or combination of both) between the end of extended Runway 14 and the impacted areas southwest and north of the runway, as proposed in the ADA, with the designs to be in substantial conformance with the SMAA's "Proposed Noise Barriers Testing Methodology" dated November 9, 1998 and incorporated herein as Exhibit 6. The appearance of the noise barriers is a local issue.

Noise Barriers and Reflective Traffic Noise

- N(2). For those portions of the noise barriers required under Condition N(1), above, that include walls, the SMAA shall incorporate sound absorptive materials in the final design of the noise barrier walls if the walls have the potential to reflect noise from adjacent roadways back into residential communities. The SMAA shall show through field testing documentation that reflective noise resulting from the noise wall will be below perceptual levels within these communities. This field testing shall be accomplished through the following methodology.
- a. Surface traffic noise monitoring shall be performed prior to the construction of the barrier wall. Surface traffic noise levels will be monitored at three locations west of U.S. 41 adjacent to the wall. At two of the locations, the monitor shall be located where there is a direct line of sight from both the proposed barrier wall location and U.S. 41 and where existing reflective surfaces would not influence the results. At the third location, monitoring shall be accomplished at the closest accessible residential area.
 - b. The surface traffic noise monitoring and analysis shall be conducted consistent with Florida Department of Transportation methodology to assure that a statistically valid sample of surface traffic analyzed. This would include monitoring a LAeq level for traffic along U.S. 41 while at the same time counting the number of cars, light trucks, and heavy trucks to assure a statistically valid sample is reached. Using the field traffic counts and the monitor location, a LAeq shall also be determined through the use of the FDOT noise model. The results of the modeled and monitored conditions would be compared to validate the accuracy of the model for the monitored location. The model is considered validated if the modeled and monitored results are within 3 dB.
 - c. Following the construction of the noise barrier, surface traffic noise monitoring and traffic counts shall be conducted in the same manner as b., above. The results of the monitored condition (with the wall) will be compared with the modeled condition for surface traffic counted during the (with the wall) monitoring. The differences between the modeled condition with the wall and monitored condition with the wall will identify the amount of reflective noise resulting from the noise wall. A difference of 3 dB or less would be considered a non-perceptible impact.
 - d. Should the results of the test indicate that greater than a 3dB increase due to reflection occurs, then additional wall treatments shall be provided to reduce the reflective noise to less than a 3 dB change.

Operational Noise Requirements

- N(3). The SMAA shall continue to expeditiously and without further delays, seek approval from FAA of the 270° radial turn for planes departing on Runway 32. In the event the approval is not received prior to the start of Phase 2, construction of the expansion of the terminal building and parking garage shall not be authorized until either :
- a. the 270° radial turn departure procedure is approved and operational or,
 - ii the SMAA can demonstrate to the County the Notice of Proposed Change pursuant to Section 380.06, Florida Statutes, that the SMAA has exerted good faith in a continued effort to gain approval of said turn. Such good faith effort shall be determined solely in the reasonable discretion of the Board of County Commissioners of Manatee County.
- N(4). All noise abatement measures as described in Table 6-10 of the FAR Part 150 NCP (Noise Compatibility Plan) dated February 1997 shall be implemented as described with the modifications herein:
- a. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 32 shall be instructed to turn left at 0.9 DME to join the Sarasota 270° radial outbound to at least 7 DME, then proceed on course as directed by Air Traffic Control (ATC). Should, after implementation, the turn at the 7DME result in splay of aircraft that is further east than anticipated, the aircraft shall be instructed to proceed outbound to the 270° radial to the 8DME, then proceed on course as instructed by ATC. Should approval of the turn to the 270° radial be denied by the FAA because of airspace constraints, the current procedure shall be maintained until such time as the turn to the 270° radial becomes feasible. That is, all aircraft weighing over 25,000 pounds and all jet aircraft departing northbound on Runway 32 shall be instructed to turn left at 0.9DME to join the Sarasota 295° radial outbound , then proceed on course as instructed by ATC; and all aircraft weighing over 25,000 pounds and all jet aircraft departing southbound on Runway 32 shall be instructed to turn left at 0.9 DME to a heading of 270° , then proceed on course as instructed by ATC.
 - b. Arriving aircraft on Runway 32 would be allowed to make visual approaches to the airport and turn to the runway heading as soon as cleared to do so by the Air Traffic Control Tower.
 - c. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 14 shall be instructed to maintain runway heading until reaching 3,000 feet, then proceed on course.
 - d. Continue balanced runway use program. The goal of this program is equal use of Runway 14 and Runway 32 for air carrier departures, and equal use of Runway 14 and Runway 32 for air carrier arrivals.
 - e. Encourage the airlines to make maximum use of their own internal quiet departure techniques, guided by FAA Advisory Circular 91-53A, " Noise Abatement Departure Profiles."
 - f. All departing aircraft, to the extent feasible, should be issued unrestricted climb to their requested en route altitude.

- g. The departure of Stage 2 aircraft shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., excluding only aircraft in use for emergency services such as police, ambulance, and military functions.
 - h. The prohibited hours for non-emergency engine maintenance run-ups shall be between the hours of 10:00 p.m. and 7:00 a.m.
 - i. The use of Auxiliary Power Units is prohibited between the hours of 10:00 p.m. to 7:00 a.m. unless ground power units are inoperative.
 - j. Training operations with larger aircraft on Runway 14 and Runway 32 shall be prohibited between the hours of 12:00 p.m. and 6:00 a.m.
- N(5). The use of external public address systems shall be prohibited between the hours of 10:00 p.m. to 7:00 a.m.
- N(6). All departures of Stage 2 air carrier or cargo aircraft weighing over 75,000 pounds on Runway 14 shall commence their take-off roll at the current runway threshold. All other aircraft may use the declared distance runway length for Runway 14. All aircraft may also use the declared distance runway length for Runway 32 departures.
- N(7). The SMAA shall diligently pursue Land Use Measures as described in Table 6-11 of the NCP dated February 1997 and establish a reasonable time line for implementation of the measures 1 through 3.
- N(8). The SMAA shall employ and maintain a full time professional, management level staff person, who is responsible for the administration of the noise abatement program. This program includes:
- a. Conducting a periodic noise monitoring program.
 - b. Conducting periodic recalculation of noise contours.
 - c. Conducting complaint and response functions.
 - d. Provide public information and involvement functions.
 - e. Expedite the purchase of fee simple interest from homeowners who purchased their current home prior to January 1, 1980, and who are located within the 65+ DNL contour of the 2000 Noise Exposure Map in Sarasota and Manatee counties. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking shall be based upon length of ownership. Homes purchased by the SMAA shall be sound insulated only where feasible and cost effective. All homes purchased by the SMAA shall be placed on the market for resale with an aviation easement reserved.
 - f. Expedite the purchase aviation easements from homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, who purchased their current home prior to December 15, 1986. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure map, and that priority ranking shall be based upon length of ownership.
 - g. Expedite offers to provide sound insulation to homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, only where feasible and cost effective, and in exchange for an aviation easement. It is recommended that the SMAA offer to provide sound insulation to homeowners located within the 65+ DNL contour of the 2000 Noise Exposure Map in Sarasota and Manatee Counties, who purchased their current home prior to December 15, 1986. In addition, it is recommended the priority be given to homeowners located

within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking be based upon length of ownership.

- h. Modify the NCP, subject to FAA approval, to allow for expanded participation by impacted residents in the SMAA's land use program. This request shall be made within one year of adoption of this Ordinance. Specifically, the revised NCP shall provide for a modification to the eligibility dates for program participation, as follows:
- Purchase and resale with aviation easement and sound insulation - revise eligibility date for participation from January 1, 1980 to December 15, 1986.
 - Sound Insulation - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
 - Avigation easement - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
 - All program participants - the priority for homeowners as established in the 1995 Noise Exposure Map be changed to the 2000 Noise Exposure Map.

The SMAA shall tender offers for participation to all eligible homeowners within five years of receipt of FAA approval, or shall provide documentation acceptable to Manatee County of good faith effort to meet this requirement.

- i. Seek guidance and assistance in the preparation of further noise control programs or measures from the adjacent local governments in matters relating to land use compatibility and development regulations continuing to substantially reduce incompatible land uses within the 70-75 Ldn contours.
- j. Present a quarterly noise abatement report to the SMAA Board specifically addressing all noise abatement issues as identified in this Development Order. This report shall specifically identify non-complying entities and any sanctions or corrective actions taken. Copies of this report shall be available to the public and included in the annual report submitted to TBRPC and Manatee County. The report shall specifically include a tabulation of the number of units in each category (e, f, g, and h), and the status of implementation, including offers made, offers accepted, and offers rejected. The report shall also include any unresolved noise complaints which have occurred within each quarter.
- k. The Airport Authority shall work cooperatively with Manatee County to resolve any noise problems which may be identified in the future.

Noise Exposure Monitoring - Noise Barrier Testing Protocol

- N(9). In addition to surface traffic noise monitoring required under N(2), above, the SMAA shall monitor noise exposure under the no-project alternative condition and monitor again following the construction of the required noise barriers (berms or walls) and runway extension (project condition). The monitoring shall be accomplished by measuring the noise level from a calibrated noise source (the exact same noise source to be used for both monitoring conditions). The monitoring shall be required to show that the noise wall reduces noise exposure to a level which represents no significant increase (less than 1.5 DNL) in noise sensitive areas behind the wall (when comparing the extended runway condition and the no-project condition). This shall be accomplished through the following methodology.
- a. The noise source to be used for the monitoring shall be a loudspeaker, which simulates the noise levels and location of engines associated with an MD 80 Series aircraft located at the extended runway threshold. This type of aircraft is simulated since it represents one of the noisier Stage 3 aircraft and has engines located higher above the ground than most other aircraft projected to use the Airport. Two noise

monitors shall be located at sites west of U.S. 41 and two noise monitors located at sites north of the north barrier location.

- b. Each noise monitor (microphone) shall:
- Be located where the noise level from the extended runway, without the barrier, would be more than 1.5 dB greater than for the unextended runway;
 - Have line of sight to the aircraft at the threshold of the extended runway;
 - One monitor should be 50 feet from busy roads and the second should be at least 200 feet from any busy roads;
 - Be at least 20 feet clear of hard surfaces (neighboring buildings, concrete walls, etc.) as to avoid reflections of sound, and not be between two buildings with parallel walls;
 - Be at least 5 feet above the ground;
 - Be sufficiently far from intruding sound sources (e.g., air-conditioners, sprinklers, children at play, etc.);
 - Have easy access for set-up, monitoring, and take-down; and
 - If monitor must be left unattended, be at a safe and secure location to avoid theft and vandalism.
- c. With the loud speaker turned on, noise levels at the four monitoring sites (two per barrier) will be recorded. A second loudspeaker location will be established to simulate an aircraft located between the existing runway threshold and the extended runway threshold and the test will be conducted for a second time. These noise levels would represent the "without barrier" condition.
- d. Following the construction of noise barriers, noise levels shall be monitored using the same loud speaker equipment, the same noise source levels and heights above the ground, and the same monitoring sites as used in a., above. The resulting noise levels will represent the condition "with the noise barriers". The difference in noise levels shall be determined by comparing the noise levels measured without the barrier and with the barrier at each monitored site. These differences shall be compared with the levels of reduction previously determined through computer modeling (the results of which are included in the ADA-DRI).
- e. Prior to initiating the testing for the noise reduction effectiveness of the noise barriers, the SMAA will monitor single even noise from aircraft departing on Runway 14 for a minimum of seven (7) days. The noise monitoring will be located at a point along the proposed U.S. 41 noise barrier wall. The purpose of this monitoring is for the SMAA to provide documentation to Manatee County of the extent of variance of departure noise levels generated by aircraft (particularly the variance between the same models of aircraft).

Noise Exposure Monitoring - Requirements if the Effectiveness of Noise Barriers is Successfully Demonstrated

N(10). Should the comparison of results of the noise barrier testing protocol required under N(9), above, indicate that the noise reductions resulting from the barriers are greater than or equal to those predicted (1.5 DNL increase or less) then no further action by the SMAA would be required.

Noise Exposure Monitoring - Requirements if the Effectiveness of Noise Barriers is Not Successfully Demonstrated- Identification of Residences Affected.

N(11). Should the noise monitoring required under N(9), above, indicate that the noise barrier does not meet the no-significant increase (1.5 DNL increase or less) level, then the extent of the impact (identification of residences affected) shall be determined. This shall be accomplished by increasing the impacts documented in the ADA-DRI by an amount equal to the actual monitored barrier effectiveness and identifying the residences that would be significantly affected.

Mitigation Requirements if the Effectiveness of Noise Barriers is Not Successfully Demonstrated

N(12). Once the extent of the impact (identification of residences affected) is determined as required by N(11), above, then the SMAA shall either:

a. File a Notice of Proposed Change (NOPC) to their DRI to determine whether the failure of the noise mitigation to perform as expected is a Substantial Deviation to their approval. Said change shall be presumed to be a Substantial Deviation unless SMAA can rebut the presumption by clear and convincing evidence. This may result in design modifications (which may include extensions of the wall to improve the noise characteristics of the wall. During the timeframe that SMAA is undergoing the 380.06 review, all aircraft departures on Runway 14 shall commence their take-off roll at the current runway threshold.

OR

b. SMAA shall offer to purchase, within 90 calendar days, at fair market value, any residences that are affected by the significant noise increase. Until offers to purchase all identified and impacted residences are made, all aircraft departures on Runway 14 shall commence their take-off roll at the current runway threshold.

N(13). Prior to initiating the noise-monitoring program, the specific procedures to be followed will be provided to Manatee County. In addition, representatives of Manatee County will be invited to observe any monitoring activity which takes place.

PUBLIC SAFETY.

O(1). All facilities at the Sarasota Bradenton International Airport shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012, FAC, and be in compliance with the Manatee County Comprehensive Plan and Land Development Code and Building Code requirements.

O(2). The developer shall maintain an approved natural disaster plan pursuant to FAA Part 139.

O(3). The developer shall coordinate with the Manatee County Public Safety to plan for the safe evacuation of the facility and the use of the facility as a staging area, if necessary, to the recovery of the area. The applicant should work with the County to address shelter needs, building closings, security and safety precautions, and evacuation plans.

GENERAL CONDITIONS.

P(1). The Developer shall be required to adhere to any and all commitments made in the ADA and four sufficiency responses, incorporated herein, unless that commitment is superseded by

a Development Order Condition, in which case the Development Order Condition shall prevail.

P(2). The Developer shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County, TBRPC, DCA, and other agencies as may be appropriate, on the anniversary of the effective date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. For purposes of such report, the "anniversary" of the effective date of this Development Order shall mean the anniversary of the date on which the last of the three local governments adopts a Substantial Deviation DRI Development Order approving the SBIA Substantial Deviation. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the following:

- a. any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- b. a summary comparison of development activity proposed and actually conducted for the year;
- c. undeveloped tracts of land that have been sold to a separate entity or Developer;
- d. identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the Development Order was issued;
- e. an assessment of the Developer's and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the ADA and which have been identified by the County, TBRPC, or DCA as being significant;
- f. any requests for a Substantial Deviation determination that were filed in the reporting year and to be filed during the next year;
- g. an indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
- h. a list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- i. a statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes; and,
- j. a copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer pursuant to Subsection 380.06(15)(f), Florida Statutes, during the year of the annual report.

- P(3). Any changes in the Development from the parameters approved and set forth in this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.
- P(4). The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Project* and ensuring its compliance with this Development Order. The data necessary for monitoring the Project* shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- P(5). This Development Order shall expire 15 years from its date of approval. Buildout shall be completed by December 31, 2015. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P(6). This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- P(7). In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, then the Developer* shall pay all reasonable costs and fees of County* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.
- P(8). The project shall be consistent with Rule 9J-2, F.A.C. for the following sections of the D.O.: Listed Plant and Wildlife Resources (9J-2.041 F.A.C.); Archaeological and Historical Resources (9J-2.043 F.A.C.); Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities (9J-2.044 F.A.C.); Transportation (9J-2.045 F.A.C.); Air Quality (9J-2.046 F.A.C.), and Adequate Housing (9J-2.048 F.A.C.).

SECTION 6. DEVELOPER* COMMITMENTS

Developer* commitments set forth in the ADA and four sufficiency responses shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

The Sarasota Bradenton international Airport is an ongoing project. Physical development has commenced.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 31, 2005, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the order have occurred; or

- B. The order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners*.

SECTION 10. EFFECTIVE DATES

This Ordinance shall become effective upon filing with the Secretary of State unless a challenge is filed to plan amendment [Ordinance 99-49. In that event, the effective date of this Ordinance shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S., provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

SECTION 13. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or

applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

SECTION 15. LEGAL DESCRIPTION

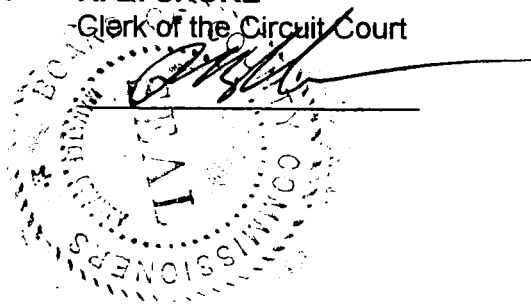
Development of the Sarasota Bradenton International Airport and four associated outparcels shall be restricted to that portion of the ±1,122.31 acres of land, described in seven separate legal descriptions included as Attachment "A," attached to and made a part of this Development Order, that is located within unincorporated Manatee County.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 15th day of December, 1999.

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

BY: Stan Stephens
Chairman

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



STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 27 day of

December 19 99
R. B. SHORE
Clerk of Circuit Court
By: Jane Rook O.C.

Municipal Code Corporation
info@mail.municode.com
PO Box 2235
Tallahassee, FL 32316-2235

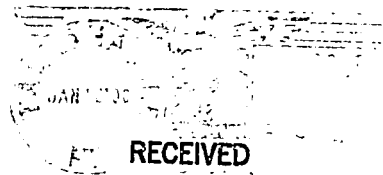
Supplement 13

01/13/2000

We have received the following material through
hard copy. Thank you for your assistance and
cooperation.

Ordinance Nos. 99-49, 99-50, 99-55, 99-58 and
PDR-99-14.

800-262-2633 fax 850-575-8852 SAC
Looking for a customer complaint tracking software
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JAN 20 2000

BOARD RECORDS

TO:
Mr. R.R. "Chips" Shore
Clerk of Circuit Court
Manatee County
P. O. Box 1000
Bradenton, FL 34206-1000



*Copies - Muni Code
Berk Tyler
Audit
Joanne - Planning
1/5/00
emb*

4/12/00 - copy to marsha - city Atty Tm

7/28/00 GA cc: Kim, Planning