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O.R. 1947 PG 1540

RESOLUTION NO. 81-13

WHEREAS, the Town of Longboat Key has adopted Resolution No. 75-27 approving the Outline Development Plan of Bay Isles PD District, hereinafter referred to as "Bay Isles", for Arvida Corporation, as amended by Resolution No. 78-24 approving the Site Plan for Bay Isles Civic Commerical Center, as amended by Resolution Nos. 78-32, 79-8, 80-9, 80-14 and 80-24.

WHEREAS, the Town of Longboat Key desires to amend Resolution No. 75-27 subject to the consent of the developer, now, therefore,

BE IT RESOLVED BY THE TOWN OF LONGBOAT KEY:

Section 1. That Sub-paragraphs (a) through (i) of Paragraph 16 of Resolution No. 75-27 are hereby deleted and the following schedule of development of Bay Isles substituted in lieu thereof, to-wit:

- 1. 1980 Fairway Bay MF-A, a midrise and townhouse project
Gas Station in Phase I of Commercial Center
- 2. 1981 Marina, pilings and Phase I docks
Golf course, 18-holes
Clubhouse, Phase I
Commercial Center, Phase II
Office Building, Arvida Corporate Offices
- 3. 1982 MF-B-1
MF-C
MF-D
Tennis Complex, Phase I
- 4. 1983 MF-B-2
MF-E
MF-F
Commercial Center, Phase III Office Buildings
- 5. 1984 HR-C
MF-J
- 6. 1985-89 HR-A
MF-1
Townhouse in Unit 2 Bay Isles Lots
Golf Course, Phase II - 9-holes
Tennis Complex, Phase II
Clubhouse, Phase II

*Ret. Dept. Records
Town Hall Longboat Key
50 Bay Isles Rd
Longboat Key, FL 33548*

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7 1990-94 MF-H
HR-B
MF-K

8. Arvida agrees that upon receiving approval of any application for final approval, it will proceed in an orderly manner to construct and complete the improvements contemplated thereby, although some development may be done in more than one section or phase.

9. In addition to filing this development schedule, Arvida Corporation agrees to file a supplemental schedule annually hereafter to reflect any changes that occur by reason of market conditions or other factors affecting the development schedule.

Section 2. That Resolution No. 75-27 as amended is hereby amended and modified to read as follows:

1. Approval of the amended Outline Development Plan for "Bay Isles" (PD district) is hereby granted, conditioned upon the faithful satisfaction of and adherence to the conditions and requirements set forth herein. The Town reserves the right to impose new, different or additional conditions at the time of application for final approval of any portion of the Outline Development Plan when and to the extent that such conditions are required as a result of material changes in the circumstances which form the factual basis for any determination or finding set forth herein, which conditions are generally applied throughout the Town.

2. The following developments, rights and conditions are granted to or imposed upon the Arvida Corporation, as the case may be, by this Resolution:

A. Development of Bay Isles may continue to completion, provided:

1. That all conditions and requirements set forth in Resolution No. 75-27 as amended and amended by this Resolution are adhered to and satisfied.
2. All requirements of the Ordinances of the Town of Longboat Key as they may now exist or as they may be subsequently amended or enacted during the development of any portion of "Bay Isles" are observed, provided that any such subsequently amended or enacted ordinances apply uniformly throughout the Town and may be constitutionally applied to "Bay Isles."

3. The development of "Bay Isles" as expressed in the Land Intensity Schedule is hereby approved providing for 2,798 units maximum. Said schedule is determined to be in compliance with the now existing Comprehensive Plan of the Town of Longboat Key and land use plan.
- B. Except as specifically provided herein, no further development rights or findings of satisfaction of ordinance requirements are granted by this Resolution.
- C. There shall be no transfer of density from one tract to another of the Land Intensity Schedule.
- D. In the event any of the provisions, conditions or requirements of Resolution No. 75-27 as amended, and amended by this Resolution, are breached by Arvida Corporation, either by omission or commission or in the event development of the several portions of "Bay Isles" PD does not proceed within the maximum time requirements established in the development schedule adopted by the Town Commission and set forth in this document, then the Town shall give written notice to Arvida Corporation of such default or deficiency and a reasonable time period to cure or correct the same, be given in such notice. In the event Arvida Corporation fails to promptly correct such deficiency or default, then the Town Commission shall have the right to terminate this Resolution and Resolution No. 75-27 as amended and all rights granted thereunder. Provided, however, that upon a breach of this Resolution or Resolution No. 75-27 as amended, the Town Commission may reinstate the same if it is established to the satisfaction of the Commission that the omission or commission has been corrected or that the same resulted from the omission or commission of parties other than Arvida Corporation who were not under or within the control of Arvida Corporation and that the breach has been or will be cured. Failure to proceed within the maximum time requirements of the development schedule hereinbelow set forth may not be cured except by reapproval of such schedule or a revised development schedule. Failure of the Town to give the aforementioned written notice shall not be deemed to be a waiver of any breach nor shall any rights accrue to Arvida Corporation by reason of the Town's failure to give written notice.
- E. That the Arvida Corporation shall comply with the building codes in effect on the date of application for building permits.

3. OPEN SPACE - The Town Commission hereby finds that the open space requirements of Ordinance No. 80-1 and the Zoning Code may be satisfied subject to the following conditions:

- A. Under the authority of Ordinance No. 80-9 amending Ordinance No. 80-1 as set forth in paragraph B, below, and the application of a fifty percent (50%) credit thereunder to the Bay Isles PD district, the golf and tennis properties and facilities, hereinafter referred to as "Bay Isles Club facilities", shall be restricted as follows:
1. The Club facilities shall be operated as private membership clubs and shall not be operated primarily as commercial enterprises open to the general public.
 2. Arvida Corporation hereby agrees that at least twenty percent (20%) of the memberships in the Club facilities will be made available to the residents of the Town of Longboat Key who do not reside in Bay Isles (PD district) on the same basis as memberships are made available to residents of the Bay Isles Club PD district. However, if memberships are not applied for by such nonresidents of Bay Isles Club PD to the extent such memberships become available under such agreement, then such memberships may be made available to residents of Bay Isles Club PD or to nonresidents in order that the facilities may be economically operated to full capacity. Further, in the event memberships are not applied for by residents of Bay Isles Club PD to the extent available under this agreement, then such memberships may be made available to additional nonresidents of Bay Isles PD in order that the facilities may be economically operated to full capacity. Arvida Corporation agrees to establish waiting lists for residents of Bay Isles PD and for residents of the Town who do not reside in the Bay Isles Club PD with priority to be given to such membership applicants in accordance with the foregoing percentages. No member shall be precluded from renewal of his or her memberships solely to adjust the foregoing percentages, but adjustments shall be made solely through normal attrition of members.
 3. No real property within Bay Isles PD shall be assessed for the operation or maintenance of the Club facilities while such Club facilities are owned by Arvida Corporation, its successors or assigns. This provision shall not be deemed applicable in the event of transfer under the provisions of paragraph 4, below.

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4. The Club facilities shall be owned and operated by Arvida Corporation. In the event the Club facilities are offered for sale, a right of first refusal shall be extended to the Town of Longboat Key (for a period of one hundred twenty (120) days). In the event the Town does not exercise the right of first refusal, then Arvida Corporation shall be free to sell said Club facilities.
 5. To the extent that memberships are available, Arvida Corporation, under the provisions of paragraph 2 above, shall not have the right to exclude any property owner in Bay Isles PD from membership in the Club facilities except for failure to pay financial obligations required of all club members or for violation of club rules and regulations which apply to all members.
 6. The Arvida Corporation shall not have the right to expel any Town of Longboat Key resident member of the club except for failure to pay financial obligations required of all club members or for violation of club rules and regulations which apply to all members. Any member who changes his or her class of membership shall lose any priority rights to the former class of membership.
- B. Private or public open space is provided for in the Bay Isles Outline Development Plan, as amended, in excess of the twenty percent (20%) requirements of the Town's Zoning Code, a partial credit, not to exceed fifty percent (50%) of the amount of land required to be conveyed under Ordinance No. 80-1, as amended by Ordinance No. 80-9, is hereby given against the requirements of land to be conveyed or payment of fees in lieu thereof.

4. CREDIT FOR OFF-SITE RECREATIONAL FACILITIES - The Town Commission has considered the requirements of Section 6.77(3), Figure 1, Land Use Intensity Schedule, and Section 6.77(4) of the Town Zoning Code in the light of the intent and purpose of planned unit developments as set forth in Chapter 7 of the Town Zoning Code, and is of the opinion that credit may be given for clustering of recreational facilities outside of the parcel being developed, but within the Planned Unit Development, where there is an assured availability of such facilities to residents of the Planned Unit Development. In consideration thereof and in consideration of the commitment of the developer upon the provisions of paragraph A(4) of this Section

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above, the Town Commission is of the opinion that off-site recreational facilities (golf and tennis) provided within this Planned Unit Development may be considered in determining the sufficiency of on-site recreational facilities to the extent of 50% of the requirements of Section 6.77(3) and (4). The aforementioned credit, where feasible, will be applied at the time of each application for final approval of a portion of the Outline Development Plan so as to provide additional off-site recreational facilities or may provide on-site for that portion of the Outline Development Plan under consideration for final approval.

5. The amended Outline Development Plan and the Land Intensity Schedule, Exhibit Nos. 191 - 237, submitted by Arvida Corporation for the property known as Bay Isles, be and the same are hereby approved with the following stipulation, to-wit:

A. That the plan filed by Arvida Corporation is conceptual in nature.

B. The Town Commission does not approve at this time, any of the structures appearing in said plan, other than Fairway Bay.

C. The Town Commission expressly states that all applications for site plan review (final development plans) are to be governed by Section 6-70 of the Town Zoning Code and all other applicable town codes in effect at the time of filing each application.

6. CONSIDERATION - Any item not specifically addressed in this Resolution shall be conclusively deemed not to have been considered by this Resolution and no determination thereof made by this Resolution.

7. SUCCESSORS BOUND - Any person or entity acquiring any interest in or to all or any part of the undeveloped lands of Bay Isles PD shall be deemed to have assumed all of the obligations imposed upon such land by this Resolution. Such assumptions of obligations by a subsequent purchaser shall include the applicable obligations under the terms of this resolution and the PD ordinance applicable to the undeveloped land being purchased.

Section 3. Except as heretofore amended and as amended by this Resolution, the conditions of Resolution No. 75-27 shall continue and be adhered to and satisfied.

8/13

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Passed at a meeting of the Town Commission of the Town of Longboat Key this 15th day of April, 1981.

Clara C. Fess
Mayor

Attest:

E. Jane Pool
Town Clerk

CONSENT OF DEVELOPER

Arvida Corporation, hereinabove referred to as Applicant, does hereby approve and assent to the terms, conditions and provisions of the foregoing Resolution and does further acknowledge that the same is binding upon it and its successors or assigns in the manner hereinabove set forth.

ARVIDA CORPORATION

By: Robert Wilhelm
Vice-President

Attest:
William J. Downey
Assistant Secretary

FILED AND RECORDED BY
MAY 27 12 40 PM '81

see attached to this
11/10/81
a statement of the

9113

BAY ISLES (HARBOURSIDE) P.U.D.
DEVELOPMENT SCHEDULE

Revised January 1982
Revised June 1982
Revised October 1983

Arvida Corporation has revised the Bay Isles (Harbourside) P.U.D. Development Schedule as required by Resolution No. 81-13 amending Resolution No. 75-27; and herein submits the same to the Town of Longboat Key, Florida.

Application for final approval of projects* will be filed as follows:

1983

- Harbourside Clubhouse Permanent Facilities
- MF "I" - Victoria Point (filed; modification forthcoming)
- MF "C")
- MF "D") Parcel C-D (filed)

1984

- MF "B-1A" (5.0± acres)
- MF "B-2B" (8.9± acres)
- MF "J"
- MF "B-1B" (7.39± acres)
- Harbourside Tennis Complex, Phase II
- Marina Commercial (2.8± acres)

1985-89

- HR "A"
- MF "K"
- MF "H"
- Harbourside Golf Course, Phase II (9 holes)

Bay Isles (Harbourside) P.U.D.
Development Schedule

1985-89 (continued)

- HR "C"
- Town Plaza - Office Buildings, Phase II (5.0± acres)

1990-94

- HR "B"

GULF (ISLANDSIDE) PLANNED UNIT DEVELOPMENT
DEVELOPMENT SCHEDULE

Revised January 1982
Revised June 1982
Revised October 1983

Arvida Corporation has revised the GPD Development Schedule as required by Resolution No. 80-21 amending Resolution No. 76-7, and herein submits the same to the Town of Longboat Key. Application for final approval of projects*will be filed as follows:

1984

- Commercial/Office area
- Parcel MF "A", Lighthouse Pointe
(filed in 1983, modification forthcoming)
- Parcel MF "B-1A" (northerly 18± acres)
- Yacht Club, including pilings, docks, and Harbormaster facilities

1985-89

- MF "E"
- MF "D"
- MF "B-1B" (southerly 25± acres)

1990-94

- All remaining properties within Longboat Key Club lying easterly of Gulf of Mexico Drive

*Small expansions or remodeling projects are not included in this schedule.

GULF (ISLANDSIDE) PLANNED UNIT DEVELOPMENT
DEVELOPMENT SCHEDULE

Revised January 1982
Revised June 1982
Revised October 1983
Revised November 1984
Revised November 1985

Arvida Corporation has revised the GPD Development Schedule as required by Resolution No. 80-21 amending Resolution No. 76-7, and herein submits the same to the Town of Longboat Key. Application for final approval of projects* will be filed as follows:

1986

- Yacht Club, including pilings, docks, and Harbormaster facilities.
- MF "D"
- MF "B-1B" (Southerly 26+ acres).

*Small expansions or remodeling projects are not included in this schedule.

GULF (ISLANDSIDE) PLANNED UNIT DEVELOPMENT
DEVELOPMENT SCHEDULE
Revised January 1982
Revised June 1982

Arvida Corporation has revised the GPD Development Schedule as required by Resolution No. 80-21 amending Resolution No. 76-7 and herein submits the same to the Town of Longboat Key. Application for final approval of projects* will be filed as follows:

1982

- Yacht Club, including pilings, docks and Harbormaster facilities (1982)
- Parcel MF-"A", Lighthouse Pointe

1983

- Phase I, Commercial/Office area (1983)

1984

- Commercial and Office, Phase II (1984)
- Yacht Club area expansion (?)

1985-89

- MF-"B-1" (1985)
- MF-"D" (1985)

1990-94

- All remaining properties within Longboat Key Club lying westerly of Gulf of Mexico Drive

*Small expansions or remodeling projects are not included in this schedule.

April 6, 1982

Changes in Development Schedules for Gulf and Bay Isles P.U.D.

The following lists differences between Arvida's Revised Development Schedule received February 8, 1982, and Development Schedules stated in Resolution Numbers 80-21 and 81-13.

Gulfside (Islandside) P.U.D. Schedule
Revised January 1982

- Yacht Club: originally scheduled to commence first phase in 1981 now scheduled for 1982.
- Parcel MF"A" Lighthouse Pointe: originally scheduled to commence development in 1981, now scheduled for 1982.
- Parcel MF"B-1": originally scheduled to commence in 1982. Now scheduled for 1983.

Bay Isles (Harbourside) P.U.D. Schedule

- Harbourside Marina and Phase I Docks: originally scheduled for 1981, now scheduled for 1982.
- Temporary Clubhouse and Phase I Facilities: originally scheduled for 1981, now scheduled for 1982.
- Commercial Center, Phase II: changed from 1981 to 1982.
- Tennis Complex, Phase II: originally scheduled for 1985, now switched to 1984.

6.14.82

LAG/j

BAY ISLES (HARBOURSIDE) P.U.D.
DEVELOPMENT SCHEDULE

Arvida Corporation has revised the Bay Isles (Harbourside) P.U.D. development schedule as required by Resolution No. 81-13 amending Resolution No. 75-17; and herein submits the same to the Town of Longboat Key, Florida.

Application for final approval of projects* will be filed as follows:

1982

- Harbourside Marina site plan and Phase I docks
- Harbourside Clubhouse temporary, and permanent Phase I facilities
- Town Plaza (Bay Isles Civic & Commercial Center) Phase II commercial
- Town Plaza Post Office, by others
- Church sites, by others
- Harbourside Tennis Complex, Phase I
- MF"B-1", Phase I
- MF"C"
- MF"D"

1983

- MF"B-2"
- MF"E"
- MF"F"
- Town Plaza (Bay Isles Civic & Commercial Center, Phase III, Office buildings)

1984

- HR"C"
- MF"J"
- Harbourside Tennis Complex, Phase II

*Small expansions or remodeling projects are not included in this schedule.

GULF (ISLANDSIDE) PLANNED UNIT DEVELOPMENT
DEVELOPMENT SCHEDULE

Revised January, 1982

Arvida Corporation has revised the GPD development schedule as required by Resolution No. 80-21 amending Resolution No. 76-7 and herein submits the same to the Town of Longboat Key. Application for final approval of projects* will be filed as follows:

1982

- Yacht Club, including pilings, docks, and Harbormaster facilities
- Parcel MF"A", Lighthouse Pointe

1983

- Phase I, Commercial/Office area
- Phase II, MF"B-1"

1984

- Phase III, MF"B-1"
- Commercial and Office, Phase II
- Yacht Club area expansion

1985-89

- MF"B-1"
- MF"D"

1990-94

- All remaining properties within Longboat Key Club lying west-erly of Gulf of Mexico Drive

*Small expansions or remodeling projects are not included in this schedule.

Bay Isles (Harbourside) P.U.D.
Development Schedule

Page 2.

1985-89

- HR"A"
- MF"I"
- Townhomes in Bay Isles Unit 2, lots
- Harbourside Golf Course, Phase II (9 holes)
- Harbourside Clubhouse, Phase II

1990-94

- MF"H"
- HR"B"
- MF"K"