

FILED FOR RECORD  
R. B. SHORE

**MANATEE COUNTY ORDINANCE NO. PDMU-91-01(G)(R)<sup>3</sup>  
GATEWAY NORTH (AKA PROPERTY RESERVE, INC.)**

2005 SEP 19 PM 12: 22

CLERK OF DISTRICT COURT  
MANATEE CO. FLORIDA

**AN ORDINANCE OF THE COUNTY OF MANATEE  
FLORIDA, REGARDING LAND DEVELOPMENT, AND  
RESTATING ORDINANCE PDMU-92-01(G)(R2) TO AMEND  
THE GENERAL DEVELOPMENT PLAN TO ALLOW A  
MAXIMUM OF 2,800 RESIDENCES, 445,200 SQUARE FEET  
OF COMMERCIAL SPACE, 397,500 SQUARE FEET OF  
OFFICE/ WAREHOUSE SPACE, 960,500 SQUARE FEET OF  
OFFICE SPACE, A 24.3 ACRE PARK, A 20.0 ACRE  
SCHOOL SITE, AND A 22.1 ACRE RECREATION CENTER;  
AND PROVIDING AN EFFECTIVE DATE.**

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**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE  
COUNTY, FLORIDA:**

**Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-91-01(G)(R2).** Ordinance PDMU-91-01(G)(R2) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superceded by this ordinance.

**Section 2. DEFINITIONS.** All capitalized terms used herein shall have the meanings set forth in Ordinance 05-17, as amended, Section 380.06F.S., the Manatee County Comprehensive Plan or the Manatee County Land Development Code, in that order of precedence.

**Section 3. FINDINGS OF FACT.** The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment to the Zoning Ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the Public Hearing, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for approval of an amended and revised Zoning Ordinance to allow a maximum of 2,800 residences, 445,200 square feet of commercial space, 397,500 square feet of office/ warehouse, 960,500 square feet of office space, a 24.3 acre park, a 20.0 acre school site, and a 22.1 acre recreation center.
- B. The Board of County Commissioners held a public hearing on May 24, 2005, June 16, 2005, June 21, 2005, and August 4, 2005 regarding the proposed revised Zoning Ordinance described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and has further considered the information received at the public hearing.

- C. The proposed amended and revised Zoning Ordinance regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the 2020 Manatee County Comprehensive Plan).
- D. The Board of County Commissioners has approved previous development orders for this project including Ordinance 92-30 in April 1992, Ordinance 93-49 in February 1994, and Ordinance 97-62 in August 1997.

**Section 4.** The General Development Plan is hereby APPROVED to allow a maximum of 2,800 residences, 445,200 square feet of commercial space, 397,500 square feet of office/warehouse space, 960,500 square feet of office space, a 24.3 acre park, a 20 acre school site, and a 22.1 acre recreation center with the following stipulations:

#### Transportation

- A.(1) Access to and from the site will be in accordance with state and local access regulations and as shown generally on Revised Map H.
- A.(2) Provisions shall be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road (Gateway Boulevard) in later phases. This road shall be constructed at the cost of the Developer prior to Development Approval of Phase 1B or Final Plat or Final Site Plan approval for 1,800 dwelling units. This dedication shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law.
- A.(3) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law. **(Completed)**  
**(See A.14 for additional dedication requirements).**
- A.(4) The Developer shall provide a multi-purpose pedestrian/bicycle trail as part of the roadway design for the Gateway Boulevard and collector facilities within the Project and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of the multi-purpose trail as part of the roadway design does not mean the trail itself must be part of the roadway. That is, the trail shall be included in design but may be constructed separately or in separation from the roadway itself. There shall be bicycle and pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.

- A.(5) The Developer shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project.
- A.(6) As the Project lies within the future Manatee County transit service area, the Developer shall work with the County to coordinate the provision of transit service to the area in conjunction with development of Gateway North.
- A.(7) When Certificates of Occupancy have been issued for 120,000 square feet of commercial space (land use 820 of Trip Generation, Seventh Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project\* entrances shall be instituted to verify that external trips improvement thresholds specified in Table 3 of the Project\* are not exceeded. Counts shall continue on an annual basis through buildout. This information shall be supplied in the required Annual Report.

For the section of Moccasin Wallow Road, from I-75 to US 41, annual monitoring shall commence at the same time annual monitoring of external project trips commences per this Development Order (706 net external p.m. peak hour trips).

The results of the annual monitoring studies and a statement that the improvement thresholds have or have not been reached shall be reported in each annual report. In the event that monitoring studies indicate an improvement threshold has been reached, the Developer shall immediately notify Manatee County.

- A.(8) The improvements listed in Table 3 include a critical link and intersection improvements for the development of the Project. In order to maintain adequate levels of service in the area, the Developer shall comply with one of the following two options:
1. For approval of all Phase 1A development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase IA of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order; OR alternatively,
  2. The Developer\* may elect to proceed with development of Phase 1A until such time as the first external trip threshold (723 net external project trips) for required improvements as specified in Table 3 is attained, pursuant to the traffic analysis provided as part of the NOPC filed April 12, 2004. Upon attaining the first external trip threshold specified in Table 3 (723 net external project trips), the required

improvements for that threshold (i.e., addition of a second NB left-turn lane and signalization at intersection of Moccasin Wallow Road and the I-75 northbound ramps, and addition of a westbound left-turn lane at the intersection of U.S. 41 and Moccasin Wallow Road) must be under construction or committed for funding in the first year of the FDOT or Manatee County Capital Improvement Program or work program). Further development may proceed only as improvements identified for specific net external trip thresholds as shown in Table 3 are under construction or committed for funding in the first year of the Capital Improvement Program or work program as thresholds are attained.

A.(9)

In the event Funding Commitments for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase described in Table 2, the Developer shall have the option to submit to the County, the State, and TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s), and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments for required transportation improvements. The Developer shall further submit projections for traffic volumes that will result from the completion of a currently approved Project construction, plus the volumes to be generated by the next portion of development for which the Developer is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.

A.(10)

Upon reaching the 75% of the improvement threshold for the intersection of I-75 northbound off-ramps with Moccasin Wallow Road (545 net external Project trips), the Developer shall commence monitoring of the operating conditions of the intersections of Moccasin Wallow Road and the I-75 northbound and southbound ramps, as well as the I-75 ramps connecting to Moccasin Wallow Road. Should any of these monitored facilities be found to be operating below Level of Service D, further development shall cease until improvements needed to raise the operation of the facilities to Level of Service D are under construction.

- A.(11) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.
- A.(12) The Developer shall provide a paved interneighborhood tie to the east to Stone Dam Preserve at a location mutually determined between the two projects. The road shall be constructed prior to completion of Phase 1A and shall include traffic calming measures as approved by the Planning and Transportation Departments.
- A.(13) The Developer shall construct a paved interneighborhood tie to the west for the access point shown on McGuire Road prior to completion of Phase 1A development.
- A.(14) The roadway and intersection improvements listed in Table 3 below, shall be required as part of Phase IA. The Developer shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Gateway North to construct these improvements. Alternatively, Gateway North may elect to purchase the land directly from the owner(s) and construct the required improvements.

Prior to or in conjunction with Final Site Plan or Final Plat approval for any phase or subphase adjacent to Moccasin Wallow Road, the developer shall dedicate right-of-way to provide for a 75 ft. half-width right-of-way for the future 6 lane configuration of Moccasin Wallow Road.

For those portions of Moccasin Wallow Road (from I-75 to US 41) that are not adjacent to Gateway North, the Developer shall reimburse the County for the cost of right-of-way necessary for a 4 lane divided configuration and any additional right-of-way required for the intersection improvements specified in Table 3.

Manatee County shall bear the cost differential to acquire the necessary right-of-way for the future six lane configuration of Moccasin Wallow Road from I-75 to US 41.

The Developer shall, at the time of each application for Preliminary Site Plan approval, furnish to the County an accurate, up to date report of the amount of development, defined in terms of net new external p.m. peak hour trips identified in the DRI documentation.

**TABLE 3**

The following roadway links are determined to be required link improvements for Phase 1A of the Project due to the percentage of Project traffic impacting the roadway and the resulting Level of Service (LOS).

Link	From/To	Improvement	External Trip Threshold	ERUs*
Moccasin Wallow Rd	US 41 to Ellenton Gillette Rd	2LD to 4LD	1,808	2,200
Moccasin Wallow Rd	Ellenton-Gillette Rd to I-75	2LD to 4LD	1,085	1,320
I-75	SR 70 to SR 64	8-lane	2,460	2,993
I-75	SR 64 - US 301	8-lane	1,592	1,937
I-75	US 301 to I-275	8-lane or adopt LOS D standard	2,531	3,067

\* ERU's. For the purposes of tracking development transportation impacts, the "Equivalent Residential Unit" (ERU) is defined as the amount of development with the equivalent PM peak hour net trip generation of a single family unit. The equivalencies for various land uses are as follows:

- One Single-Family Detached Residential Unit = 1.00 ERUs
- One Single-Family Attached Residential Unit = 0.58 ERUs
- One Multi-Family Residential Unit = 0.71 ERUs
- 1,000 square feet gross floor area of general commercial = 4.23 ERUs
- 1,000 square feet of office = 1.99 ERUs
- 1,000 square feet of office/service center = 0.79 ERUs.

The following intersection improvements are determined to be required intersection improvements for the Project; due to the percentage of development traffic impacting the intersection and the resulting Level of Service (LOS).

Note: In the table below, WB shall mean westbound, SB shall mean southbound, and EB shall mean eastbound.

Roadway	At intersection Access Point #	Improvement	External Trip Threshold	ERUs
Moccasin Wallow Rd	US 41	Signalize when warranted - Add WB left	723	880
Moccasin Wallow Rd	Ellenton-Gillette Rd	Signalize when warranted - Add EB/WB lefts	1,052	1,280
Moccasin Wallow Rd	Gateway Blvd (#1)	Signalize when warranted -Add EB left- Add WB right - Add SB left- Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted.	
Moccasin Wallow Rd	Commercial/Keystone Ranches (#3)	Signalize when warranted - Add EB and WB lefts - Add WB right - Add SB left - Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted*	
Moccasin Wallow Rd	Frontage Rd	Add channelized left- Add WB right - Add SB right	Must be completed at the time of construction of this access point.	
Moccasin Wallow Rd	US 301	Add EB left	2,169	2,639
Moccasin Wallow Rd	I-75 NB ramps	Signalize when warranted - Add NB off ramp dual left	723	880
Moccasin Wallow Rd	I-75 SB ramps	Signalize when warranted	As required by signal warrants	

\* These improvements will not be required for development of the proposed fire station.

The following improvements are based on the CLOS traffic study for Phase 1A and required in order to ensure concurrency of transportation infrastructure as required pursuant to the County's Comprehensive Plan.

A(15) Prior to the issuance of the first Certificate of Occupancy for the commercial, office, or office/warehouse, the developer shall construct the intersection of

Moccasin-Wallow Road and the easternmost project entrance as right-in/right-in with an eastbound channelized left-turn lane.

- A(16) The developer shall construct an eastbound left-turn lane and a westbound right-turn lane at the intersection of Moccasin-Wallow Road and the middle project entrance (Intersection 3), concurrent with the construction of the middle entrance. In addition, the developer shall widen Moccasin-Wallow Road to a four-lane divided section from the easternmost project entrance (Intersection 5) to the middle entrance concurrent with this construction. These improvements will not be required for development of the proposed fire station. The developer shall signalize this intersection when warranted by the Manatee County Transportation Department.
- A(17) The developer shall construct an eastbound left-turn lane and a westbound right-turn lane at the intersection of Moccasin-Wallow Road and the western project entrance (Gateway Boulevard) concurrent with the construction of this entrance. The developer shall signalize this intersection when warranted by the Manatee County Transportation Department.
- A(18) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 641 PM Peak Hour net external trips (780 ERUs), the developer shall commence design of a westbound left-turn lane at the intersection of Moccasin-Wallow Road and US 41. Construction of this improvement shall be completed by the trip threshold referenced in Table 3, above. The developer shall signalize this intersection when warranted by the Manatee County Transportation Department and FDOT. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.
- A(19) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 940 PM Peak Hour net external trips (1,144 ERUs), the developer shall commence design of eastbound and westbound left-turn lanes at the intersection of Moccasin-Wallow Road and Ellenton-Gillette Road. Construction of this improvement shall be completed by the trip threshold referenced in Table 3, above. The developer will signalize this intersection when warranted by the Manatee County Transportation Department. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review.



At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.

- A(20) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 812 PM Peak Hour net external trips (988 ERUs), the developer shall commence design for widening Moccasin-Wallow Road from the middle project entrance to Ellenton-Gillette Road to a four-lane divided section. Construction of this improvement shall be completed by the trip threshold referenced in Table 3, above. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.
- A(21) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 1,367 PM Peak Hour net external trips (1,663 ERUs), the developer shall commence design for widening Moccasin-Wallow Road from Ellenton-Gillette Road to US 41 to a four-lane divided section. Construction of this improvement shall be completed by the trip threshold referenced in Table 3, above. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.
- A(22) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 2,008 PM Peak Hour net external trips (2,443 ERUs), the developer shall commence design for an eastbound left-turn lane at the intersection of Moccasin-Wallow Road and US 301. Construction of this improvement shall be completed by the trip threshold referenced in Table 3, above. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.
- A(23) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 641 PM Peak Hour net external trips (780 ERUs), the developer shall commence design for a second northbound off-ramp at the intersection of Moccasin-Wallow Road and the I-75 northbound off-ramp. Construction of this improvement shall be completed by the trip threshold referenced in

Table 3, above. This intersection will be signalized (dual lanes require signalization) by the developer when warranted by the Manatee County Transportation Department and FDOT. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.

A(24) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 1,592 PM Peak Hour net external trips (1,937 ERUs), the developer shall analyze I-75 from SR 64 to US 301 for existing conditions. The developer shall be responsible for constructing two additional lanes if warranted by the FDOT at this time. If this improvement is not warranted at this time the developer shall monitor this link on an annual basis to determine the need for additional lanes until the buildout of Phase IA. If it is determined that additional laneage is warranted during this time period the developer shall secure construction prior to any additional development. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.

A(25) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 2,460 PM Peak Hour net external trips (2,993 ERU's), the developer shall analyze I-75 from SR 64 to SR 70 for existing conditions. The developer will be responsible for constructing two additional lanes if warranted by the FDOT at this time. If this improvement is not warranted at this time the developer will monitor this link on an annual basis to determine the need for additional lanes until the buildout of Phase IA. If it is determined that additional lanes are warranted during this time period the developer shall secure construction prior to any additional development. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.

A(26) Prior to Final Plat or Final Site Plan approval for development generating a cumulative 2,531 PM Peak Hour net external trips (3,079 ERUs), the

developer shall analyze I-75 from I-275 to US 301 for existing conditions. The developer will be responsible for constructing two additional lanes if warranted by the FDOT at this time. If this improvement is not warranted at this time the developer will monitor this link on an annual basis to determine the need for additional lanes until the buildout of Phase IA. If it is determined that additional lanes are warranted during this time period the developer shall secure construction prior to any additional development. It shall be the responsibility of the Developer to provide to the County a quarterly report identifying all cumulative PM Peak Hour net external trips for the purpose of tracking development transportation impacts. This tracking shall also be placed on each subsequent detailed site plan submitted for review. At the request of the Developer, the Planning Director may approve an alternate methodology for tracking these trips.

- A(27) The developer shall signalize the intersection of the I-75 southbound to eastbound off-ramp and Moccasin-Wallow Road when warranted by the Manatee County Transportation Department and FDOT.
- A(28) All improvements to state roadways will require FDOT approval and all improvements to County Roads will require the approval of the Manatee County Transportation Department.
- A(29) Preliminary Site Plans for parcels H and I shall require approval by the Board of County Commissioners.
- A (30) Prior to or in conjunction with Final Site Plan or Final Plat approval for any phase or subphase of Parcels H or I, the developer shall dedicate right-of-way to provide for a 250 foot half-width right-of-way for the future 10 lane configuration of I-75.
- A (31) The developer shall dedicate the additional right-of-way necessary to provide for an improved interchange at I-75 and Moccasin Wallow Road. The amount of right-of-way necessary for this interchange improvement shall be determined by Manatee County and FDOT prior to or in conjunction with the Preliminary Site Plans submitted for Parcels H or I within two years from the effective date of this Ordinance
- A(32) The existing constructed entry road shall connect to Gateway Boulevard prior to Phase 2 construction.

### **Wetlands**

- B.(1) All wetlands defined as "Preservation or Conservation Areas" by TBRPC policy and as depicted on the attached Preservation/ Conservation Map

(attached as Exhibit 1), shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas except as indicated in Condition B.(4).

- B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on the attached Preservation/Conservation Map. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County, Planning Department, the Department of Environmental Protection (DEP), or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas are being stressed due to Project activities, such activities shall cease until remedial measures are implemented.
- B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on the attached Preservation/Conservation Map, shall be mitigated in accordance with Manatee County Land Development Code (LDC Chapter 719, as may be amended) or Uniform Mitigation Assessment Method (UMAM - Chapter 62-345 FAC), as appropriate.
- B.(4) Exhibit 2 attached hereto with Exhibit 1 identifies wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Wetland impacts shown on Exhibit 2 are subject to avoidance and minimization review criteria as required by Comprehensive Plan Policy 3.3.1.1, which shall be demonstrated prior to each Preliminary Site Plan approval. Those wetlands identified in Exhibit 2 to be impacted shall be the only wetlands on the Project\* site which shall be dredged and filled or negatively impacted. The Developer\* shall reevaluate Exhibit 2 to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised exhibit to the County\* prior to further Development Approval\* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.
- B.(5) In addition to a signed and sealed wetland survey, the Developer shall submit a wetland management and mitigation plan to the County for approval, and to TBRPC, DEP, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland

alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County) wetlands.

1. The Developer shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County:
  - a. Identification of existing dry and wet season site conditions;
  - b. Narrative descriptions and evaluations of all wetlands to be disturbed by wetlands type;
  - c. Photographs and 24"X36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
  - d. Narrative descriptions of any proposed wetland restoration activities and related issues;
  - e. Estimated costs of wetland mitigation and restoration schemes; and
  - f. Mitigation plans shall also include:
    - (1) Area and location of plantings;
    - (2) Species to be planted and spacing;
    - (3) Elevations for plantings;
    - (4) Source of plants or mulch;
    - (5) Source of wetlands soil and depth proposed; and
    - (6) Monitoring and maintenance plans.

- B.(6) Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Chapter 719.8.4.4) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Wetland compensation areas

and littoral shelves shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the created wetlands/enhanced wetlands/littoral shelves shall meet or exceed eighty-five percent (85%)-planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the littoral shelves and mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

- B.(7) The Developer shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers, buffer restoration, sign requirements, or setbacks shall be in compliance with the Manatee County Land Development Code.

### **Vegetation and Wildlife**

- C.(1) The Developer\* shall comply with the provisions of the approved Wildlife Management Plan\* (dated December 9, 1993) appended to and made a part of the Development Order (Attachment #5 as attached to the previous Development Order).
- C.(2) The Developer\* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland or transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the wildlife management plan referenced in Condition C.(1).
- C.(3) The Developer\* shall coordinate with the Florida Department of Agriculture and Consumer Services and the Planning Department for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.
- C.(4) As part of the wildlife management plan referenced in Condition C.(1), the Developer\* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas\* as depicted on the attached preservation/conservation map (Exhibit 1).
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, exotic species, or other species approved by the Planning Department consistent with the provisions of the Manatee County Comprehensive Plan.

C(6) All nuisance exotic plant species shall be removed from each phase or subphase prior to issuance of Final Plat or Final Site Plan approval.

C(7) Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

**Land**

D.(1) The Developer shall initiate the following procedures to ensure erosion control during development of the Project:

- a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;
- b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
- c. Limit site work and construction to areas needed for immediate development;
- d. Develop asphalt roads as soon as possible;
- e. Initiate landscaping before development work is completed on a site;
- f. Construct sediment basins at the start of each drainage system phase;
- g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and
- h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

**Air Quality**

E.(1) The Developer shall institute the following procedures to ensure dust control during development of the Project:

- a. Implement a watering program during excavation, and dredge and fill operations;
- b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
- c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
- d. Keep soil stockpiles moist, or treat with soil binders or cover;
- e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
- f. Remove dust producing materials as soon as possible;
- g. Clean (sweep) paved roads adjacent to site as necessary;
- i. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
- i. Limit site work and construction to areas needed for immediate development;
- j. Develop asphalt roads as soon as possible; and
- k. Initiate landscaping before development work is completed on site.

### **Water Quality and Drainage**

- F.(1) Prior to the issuance of any further development approvals, the Master Drainage Plan for the Project shall be submitted to DEP, SWFWMD, and TBRPC for review, and to the County for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County and Planning Department, whichever is more stringent; to provide retention, or detention with filtration /assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design



storm. Nothing in this paragraph shall be construed as a waiver by the Developer of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer.

- F.(2) Best Management Practices (BMP) for reducing water quality impacts, as recommended by the County\* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and include a street cleaning program for parking and roadway areas within the Project .
- F.(3) The Developer shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and DEP for review, and to the County for approval, prior to further Development Approvals.
- F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- F.(5) Prior to any site alteration, the Developer\* shall develop and implement a surface water quality monitoring plan that is approved by the County\*. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), DEP, the County\*. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:
1. Pre-construction monitoring:
    - a. Sampling shall be initiated at least one year before the start of construction in accordance with the provisions set forth in the AWQWR document, shown in Exhibit 3. It should be noted that baseline water quality monitoring for the development site was implemented in late 1997 and completed in March 1999, according to Manatee County EMD records. A Supplemental Water Quality Monitoring Plan to meet the current or additional requirements referenced in Exhibit 3 is provided as Exhibit 4.

This monitoring plan shall be implemented immediately, upon approval, in order to satisfy the one year monitoring requirement, during the pre-development phase, as specified.

- b. Sampling events shall be conducted in accordance with the AWQWR (Exhibit 3). The monitoring frequency and locations for the sampling events are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 4.

2. Construction monitoring:

- a. The monitoring of construction activities shall be accomplished with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies will be initiated and maintained during construction and site development activities. The visual checks shall be conducted by the developers onsite construction manager, who will maintain a daily log and also conduct weekly construction meetings with the subcontractors, to include discussions on stormwater and sediment control issues. The engineer of record for the project will assign these tasks to a designated onsite manager and will ensure that these tasks are performed accordingly. The Sediment Control Program and engineers documentation as well as the construction managers daytime and emergency contact information shall be provided to the Manatee County Environmental Management Department, prior to startup of site development activities.

The remainder of the Project site will continue to be sampled as described in pre-construction monitoring. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 3) to be performed under the developments Supplemental Water Quality Monitoring Plan, provided as Exhibit 4. Inclusion of this provision shall allow the County to design a monitoring program that is site specific. But does not provide for a blanket exemption of construction monitoring.

- b. Any violation of water quality standards within a drainage basin under construction will be reported to the County and all work which is determined by the County to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

- a. Sampling events shall be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 3) to be performed under the developments Supplemental Water Quality Monitoring Plan, provided as Exhibit 4.
- b. Any violation of water quality standards within a drainage basin under construction will be reported to the County, and all work which is determined by the County to be contributing to the problem will be halted until the problem is resolved.

4. Monitoring Reports:

- a. Monitoring reports shall be submitted to the County in accordance with the schedule referenced in the AWQWR (Exhibit 3). This monitoring report submittal schedule is included in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 4.
- b. An official laboratory report shall also be submitted to the County, as part of the Annual Report.
- c. Participation in a Basin Management Action Plan (BMAP) may be required by the County if a sub-basin of one or more impaired waterbodies, as identified by Chapter 62-303 FAC, is located partially or wholly within the project boundary. The Developer shall participate in a BMAP that is established by the County for an impaired system, partially or wholly within the project boundary, prior to 2010. Any responsibility that the Developer agreed to as part of a specific BMAP shall be passed on to future responsible parties within the development (eg. homeowner's associations).

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County. At a minimum, field and laboratory tests at all sites shall include the parameters referenced in the AWQWR (Exhibit 3). The analytical parameters for the sampling

sites are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 4.

6. Proposed monitoring and official laboratory analytical methods and report formats shall be approved by the County.
7. The Developer shall incorporate additional water quality treatment or water management methods into the Project's surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or adversely impact water quality downstream of the Project site.

F.(6)

Prior to any site alteration, the Developer shall implement a ground water quality monitoring plan that is approved by the County. The plan will be designed to determine the predevelopment water quality conditions of the surficial aquifer and Floridan aquifer as required by the ADA. Water quality samples shall be collected and analyzed for at least the parameters containing regulatory limits listed under 40 CFR Parts 141-143, the National Primary Drinking Water Regulations. The water quality samples shall be collected from at least two surficial aquifer wells and two Floridan aquifer wells. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, DEP and EMD shall be properly notified for further action. FDEP will be given the opportunity to review and comment to Manatee County on the groundwater plan proposal.

Upon completion of the groundwater program, a monitoring report shall be submitted to the County\* and SWFWMD for review and approval. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved by the County\* prior to commencement. An official laboratory report shall accompany the ground water monitoring report upon submittal. The report shall include recommendations regarding monitoring during construction and post-construction.

The applicant submitted a pre-construction groundwater monitoring report in 1998 that represented the water quality conditions, as specified above. On February 13, 2004, the pre-construction groundwater monitoring requirement was considered satisfied by the County.

Prior to site development activities, the applicant shall submit an ongoing groundwater monitoring plan to the County, in accordance with AWQWR in order to meet those specific monitoring requirements during construction and post-construction activities.

F.(7)

All on-site existing underground tanks shall be abandoned pursuant to applicable State and County rules.

- F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.
- F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.
- F.(10) The Developer shall conduct annual inspections of the environmental swale systems on the Project site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

### **Historical and Archaeological Sites**

- G.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and the County.

Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

**Water**

- H.(1) The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project to assure that adequate potable water capacity exists to accommodate the Project.
- H.(2) The Developer shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
- H.(4) The Developer shall maintain all water lines and fire hydrants not dedicated to the County.
- H.(5) The Developer shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility. The Developer shall submit an acceptable plan to the County and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.
- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's water supply system.
- H.(7) The Developer shall conform to and further the applicable rules and adopted guidelines of SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- H.(8) Consideration shall be given to meeting the irrigation needs of the Project with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. The lowest possible quality water shall be utilized for irrigation. In-ground irrigation using Manatee County

public potable water supply shall be prohibited, including on individual lots. Dry lines for hookup to future reuse lines shall be provided for the entire project for both common irrigation and single lot irrigation until reclaimed water is available by connection. At a minimum, the Developer shall comply with County ordinances relating to the use of reclaimed water.

- H.(9) For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.
- H(10) All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.
- H(11) Unless otherwise approved by the Planning Department, native or naturalized plant species shall be planted in all common areas.

#### **Wastewater**

- I.(1) The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project to assure that adequate wastewater capacity exists to accommodate the Project
- I.(2) No additional permanent septic system shall be permitted within the Project.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County regulations.
- I.(4) The Developer shall submit to the County, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer. This plan must be approved by the County and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs shall be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- I.(6) The Developer shall implement a wastewater reuse system when feasible.

**Solid Waste**

- J.(1) The Developer, in cooperation with the tenant businesses within the Project, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled, or transported. The results of such a tenant questionnaire shall be included in each Annual Report.
- J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals for any nonresidential land use within the Project, whichever occurs later, the Developer shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County, EMD, DEP, and TBRPC, and then distributed by the Developer to nonresidential land users within the Project.
1. At a minimum, the plan shall:
    - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
    - b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
    - c. Describe generally improper disposal methods;
    - d. Describe generally appropriate disposal methods;
    - e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
    - f. Describe a program to inform owners and tenants of the information contained in the plan;
    - g. Describe construction requirements for hazardous waste holding areas;
    - h. Describe typical spill clean up methods; and



- i. Be updated and distributed to each non-residential land user annually.
- J.(3) All Project tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
- J.(4) Large quantity hazardous waste generators and industrial/commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permissible temporary on-site hazardous waste treatment capabilities to ensure public safety prior to transport.
- J.(5) The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project to assure that adequate solid waste capacity exists to accommodate the Project.

#### **Recreation and Open Space**

- K.(1) The Project shall contain, at a minimum, 348.4 acres of open space (approximately 162.1 acres of wetlands, 129.3 acres of lakes, and 57.0 acres of open space) in addition to approximately 22.1 acres of property committed to recreation. Recreation areas within the Project\* shall be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (22.1 acres with facilities) shall be completed prior to buildout of Phase 1A residential units. (The 24.3 acre park site has been dedicated to Manatee County).
- K.(2) All recreation and open space areas not deeded to the County or other state agencies shall be owned and maintained as common open space through a property owners association for the Project.
- K.(3) The Project's public parks and recreational facilities shall be accessible to the elderly, the handicapped.
- K.(4) The use of the water slides and recreation facilities on site shall be limited to residents and their guests only.
- K.(5) Neighborhood serving pocket parks or tot lots as shown on the Park and Open Space Plan entered into the public record as Park and Open Space Plan shall include commercial grade playground equipment and at least five 3 inch caliper canopy trees. These shall be shown on subsequent Preliminary and Final Site Plans.

**Education**

- L.(1) The Developer shall dedicate to the Manatee County School Board usable land for one elementary school site of at least 20 acres in size. This land shall be available to the school Board at any time upon request. If a request for dedication from the School Board occurs prior to 2007, any necessary access to the site, water, or sewer shall be the responsibility of the School Board. At the time of the school site dedication to the School Board, the Developer shall dedicate to the County road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until on or after 2007, an internal public road from the school site to Buckeye Road, providing at least two driveway connections to the school site and designed to County standards, shall be constructed to the school site at Developer's expense, in a location agreeable to the School Board and Manatee County. Additionally, if the School Board elects to postpone development of the school site until on or after 2007, connections for potable water and sanitary sewer sized to serve an 823 seat elementary school shall also be provided to the boundary of the school site by the Developer at Developer's expense. Within 90 day after receipt of notice from the School Board Superintendent, provided such notice is received no earlier than 2007, the Developer shall submit construction plans for the road to Manatee County and SWFWMD for review and approval. The Developer shall diligently pursue the engineering design and permitting of said construction. The Developer shall complete construction of this road within nine (9) months after receipt of all required permits. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County for joint use of the recreational areas. The Project's Master Stormwater Plan shall provide for the school site's stormwater retention needs. The Developer shall be entitled to school impact fee credit as allowed for by County impact fee regulations for all acreage dedicated or conveyed to the Manatee County School Board for the elementary school site. The value of the school site shall be determined based upon the purchase price for the acreage by the Developer, but in no event shall exceed the average of two appraisals obtained by the School Board at the time of conveyance.

**Health Care, Police, and Fire**

- M.(1) The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-

rata share, mutually acceptable to the County and the Developer, shall be submitted prior to the approval of the first Final Site Plan or Final Plat for Vertical Development for Phase 1A or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made.

- M.(2) The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of fire protection service facilities for fire protection services. The Developer may, with the approval of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. The Community Service parcel shall be conveyed in whole or in part to the North River Fire District for construction of a fire and EMS station prior to approval of the first Final Site Plan or Final Plat for vertical development in Phase 1A, or any subphase thereof. Should the Fire District opt for another location, the permitted uses on this site may revert to mixed uses as defined in Table 1. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
- M.(3) The Project\* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.
- M.(4) The height of buildings allowed in the Project\* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of all Preliminary Site Plans, the Developer\* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer\* shall provide calculations by a Florida registered engineer to the County\* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project\* by the County\*.
- M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project. The Developer shall be responsible to pay impact fees required for law enforcement as set forth in Manatee County's ordinance

### **Economics**

- N.(1) Excess infrastructure capacity constructed by the Developer shall be at the Developer's risk and shall not vest later development rights not addressed in this approval.
- N.(2) The Project shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

### **Energy**

- O.(1) Issuance of Development Approvals for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.
- O.(2) All Project tenants, businesses, residents, etc. shall be notified in writing by the Developer prior to occupancy that the following energy related practices are encouraged:
  - a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
  - b. Obtain energy audits provided by energy companies or other qualified agencies;
  - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
  - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;
  - e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
  - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
  - g. Institute and utilize recycling programs;

- h. Utilize energy efficient packaging or recyclable materials;
  - i. Install total energy systems on large facilities when cost effective; and
  - j. Elimination of advertising requiring lighting after business hours where feasible.
- O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

### **General Conditions**

- P.(1) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project experience. If such analysis indicates that the Project will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project or if such analysis indicates that the Project would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

- Specific provisions for on-site housing delivery, including housing delivery alternatives;
- Specific provisions for off-site housing in addition to on-site housing when on-site housing would be impracticable;
- Specific mechanisms for HAIP implementation;
- Provisions to ensure continued adequacy of units provided; and

- Monitoring provisions.

P.(2) A Master Preliminary Site Plan for each phase shall be required.

P.(3) The Developer shall comply with Manatee County's requirement to provide a hurricane evacuation plan. Provided the school is constructed to serve as a public shelter for emergency management pursuant to Section 1013.372(1), F.S., Developer may incorporate the shelter's capacity in its hurricane evacuation plan.

**Local Design Criteria**

Q.(1) The setbacks, heights, and lot sizes for land uses shall be as follows:

Minimum Setbacks	Height Maximum (Ft.)	Front Setback (Ft.)	Side Setback**** (Ft.)	Rear Setback (Ft.)	Min. Lot Size (Sq. Ft.)
Single-Family Detached* (50 ft. to 79 ft. lot width)	35'	20'	6'	15'	5,500
Single-Family Detached* (80 ft. or Greater lot width)	35'	20'	6'	20'	8,000
Single-Family Attached (Townhouse/Attached Villa)	35'	20'	10'***	20'	3,000
Multi-Family***	3 stories/ 35 ft.	25'	10'	25'	
Commercial	35'	25'	15'	20'	
Office	5 stories/ 65'	25'	15'	20'	
Office/Warehouse	45'	25'	15'	20'	
School, Park	35'	25'	15'	15'	
Recreation Center	45'	25'	15'	15'	
Water Slides*****	55'	50'	50'	50'	

\* Single-Family Detached units may be developed as zero lot or Z lot line units. This will be designated at the time of preliminary subdivision review.

\*\*No setback between attached units. Minimum distance between buildings is 20'.

\*\*\*Minimum distance between buildings is 20'. Increase side setback 10' for each story over 1 where abutting a single-family residential use. The Board of County Commissioners may approve a maximum height of 4 stories/60' as set forth in Condition Q(29).

\*\*\*\*All structures and equipment, including pool cages, screened enclosures, HVAC equipment, and yard sheds shall be prohibited within the side yard setback of single-family units with less than a 7.5 side yard setback.

\*\*\*\*\* The design of the water slides shall be in substantial conformance with the plan entered into the record including location relative to roadways.

Q.(2) The following standards shall apply to all non-residential development in the Project\* which is adjacent (within 250 feet) to Interstate 75, Moccasin Wallow, or Buckeye Roads:

- a. All building facades visible to referenced roads shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, corrugated metal, or tilt up precast slabs shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
- b. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers, or other vehicles over 1-1/2 tons shall not be located adjacent to referenced roads, unless these features are not visible from a height of five feet at the edge of pavement of the above referenced roads, to be determined at time of Certificate of Occupancy.
- c. Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade and maintain all building setbacks along the above referenced roads.
- d. Rooftop mechanical equipment shall not be visible from the above referenced roads.
- e. In order to insure that the buildings do not project a massive blank wall, blank walls shall be no longer than 20 feet in length. Design elements including prominently visible architectural details (e.g., bump outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to the outward facing walls of the proposed building.

- Q.(3) Buildings in the Project which are adjacent to Interstate 75, Moccasin Wallow Road, or Buckeye Road shall be designed to position their parking areas in a manner which generally avoids visibility from the said road(s). The Manatee County Planning Director shall have the authority to approve an alternative which is aesthetically equal to or superior to this requirement.
- Q.(4) Dumpsters or trash compactors to be used for the temporary storage of solid waste shall not be located in front of any buildings, and these units shall meet all minimum setback requirements. These units shall be screened from view of any collector or arterial roadway. Specific locational approval for these units is required during Preliminary and Final Site Plan review.
- Q.(5) The Developer shall grant to the appropriate agency or agencies, a non-ingress egress easement prohibiting vehicular access to and from the development via Moccasin Wallow Road, Buckeye Road, Grass Farm Road, and McGuire Road, except as approved and shown on the Preliminary and Final Site Plans for the development, or any phase or subphase thereof and which shall be consistent with the General Development Plan.
- Q.(6) A pre-design conference between the Developer and county staff shall be held prior to submittal of Construction Drawings for the Project to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- Q.(7) The Developer shall submit a Master Plan for potable water, wastewater, and fire protection prior to construction plan submittal. The Developer shall also be responsible for determining if upgrading of offsite potable water and wastewater facilities is necessary prior to construction plan submittal to provide adequate potable water, sanitary sewer, or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project and the Developer shall participate in such oversizing in accordance with applicable county ordinances or policies.
- Q.(8) The Developer shall provide contractors and homeowners with information about Manatee County's recycling requirements.
- Q.(9) The Developer shall mulch and recycle all non-citrus and non-invasive trees and brush that will be removed as land clearing operations commence. The mulch shall then be retained on site to meet the Developer's needs for landscaping and cover material during construction. Citrus and invasive trees cleared during development may be burned provided appropriate burn permits are obtained.



- Q.(10) Any single-family detached lot abutting an active agricultural area shall provide an additional 35 ft. agricultural setback. No home may be allowed within 35 feet of the abutting property line. If an adjoining agricultural operation is permanently discontinued at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the Final Plat.
- Q.(11) The minimum size for any dwelling unit within the project shall be six hundred (600) square feet unless this provision is waived by the Board for purposes of affordable housing, at time of Preliminary Site Plan approval.
- Q.(12) No adult entertainment establishments shall be permitted within this project.
- Q.(13) Regardless of information contained in the rezone application, or development conditions contained within the Ordinance PDMU-91-01(G)(R3), the Project shall comply with all regulations of the Land Development Code and the Comprehensive Plan.
- Q.(14) The land uses approved on this site are limited as described on the General Development Plan.
- Q.(15) The Development consists of the area and land uses described in Table 1 and the area and land uses by phase as described in Table 2. Phase 1A of the Development is approved subject to the conditions found within this Ordinance and Development Order, as amended and restated.

TABLE 1  
LAND AREA AND USES

Use	Acres	Square Feet	Units	Land Use Exchange Maximum Increase
Mixed Use	130.2	1,803,200		6 acres, or 60,000 sq. ft.
Office	0	960,500		
Office/Warehouse	0	397,500		
Commercial	0	445,200		
Residential				
Single-family	352.7		1,647	Increase of combined residential dwelling units of 171 dwelling units regardless of type
Multi-Family	59.8		722	
Single-family Attached (Townhouse)	49.3		431	
Lake/Detention	129.3			
School	20.0			
Park *	0			
Recreation Center	22.1			
Wetlands**	162.1			
Mitigation***	0			
Detention	0			
Open Space	57.0			

R.O.W./ Transmission Lines	53.8			
Community Service	1.9			
Totals	1,038.2	1,803,200	2,800	

\* The park was dedicated to Manatee County in 1999 and is not part of the project acreage.

\*\* Wetland acreages may be revised as wetland limits are verified and approved by the appropriate regulatory authority(ies).

\*\*\* Existing wetlands will be restored/enhanced. Specific acreages and locations will be determined during site permitting.

The amounts of the various uses (Residential, Commercial, Office and Office/warehouse) within the Project can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in columns B, C and, D of Table 1 above, provided that the final Project meets the following conditions:

- a. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: Lake, school, park, recreation center, wetlands, mitigation, detention, open space, and R.O.W. Transmission Lines.
- b. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project change limits as described in this Table 1.

\* The phasing buildout dates shall be February 20th of the years indicated. Phasing dates are in Table 2, below.

**Table 2 Phasing**

<b>Map H Land Use Designation</b>	<b>Phase 1A 2005-2014*</b>	<b>Phase 1B 2005-2014*</b>	<b>Phase 2 2007-2016*</b>	<b>Phase 3 2013- 2019*</b>	<b>Totals</b>
<b>Residential Dwelling Units</b>					
Single-Family	1,422	0	0	225	1,647
Townhouse/Attached Villa	368	0	0	63	431
Multi-Family	578	0	144	0	722
<b>Total Residential</b>	<b>2,368</b>	<b>0</b>	<b>144</b>	<b>288</b>	<b>2,800</b>
<b>Mixed Use</b>					
Commercial (sq. ft.)	200,000	186,000	0	59,200	445,200
Office (sq. ft.)	0	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	70,000	30,000	150,000	147,500	397,500

.....

In seeking approval of a specific Land Use Exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer to lose the capacity already approved for the Project. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Ordinance, the Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.

A subsequent phase will be deemed to have commenced at the beginning of a calendar year indicated as the beginning of a phase as shown in Table 2 or when the Project has utilized the capacity set aside for the preceding phase in any one of the following: transportation; potable water; wastewater treatment; solid waste

disposal; mass transit; drainage and parks and recreation. The Project status will be monitored by the County through the Certificate of Level of Service Compliance process.

The Land Use Exchange request shall contain information sufficient to enable the County to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The impacts will be measured based upon the relevant factors currently used by the County (e.g., ITE Trip Generation Rates, ERU tables, solid waste generation factors, etc.). The Developer shall verify the appropriate factors with County staff prior to the submittal of any such Land Use Exchange request.

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed establishing to the satisfaction of the County that some modification in the ITE Rates is appropriate based upon sound traffic engineering principles), and the relative proportions of trips produced by attractors and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

The amounts of residential uses (single-family detached, single-family attached, and multi-family) can be exchanged within Phase 1A, with Planning Director approval, provided the Project meets the following conditions:

- Exchanges of land uses for the Project may not exceed the maximum number of residential uses as outlined in Column C of Table 1 above.
- The exchange does not authorize the introduction of single-family attached or multi-family units on parcels identified as single-family detached.
- No exchange of land uses within a phase or phases shall result in a deviation of the overall Project change limits as described in Table 1.

Q(16) Individual driveways shall not be allowed for individual residences adjacent to the major internal roadway network as shown on the General Development

Plan and reverse frontage lots shall be required along these roadways.

- Q(17) The developer shall pave 40<sup>th</sup> Avenue East from Moccasin Wallow Road north approximately 2,700 ft. to past the project entrance prior to final plat approval for any phase or subphase abutting 40<sup>th</sup> Avenue East. Should this road be allowed for use during construction, it shall be paved prior to such use.
- Q(18) The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions and in the Sales Contract or a separate addendum to the sales contract, and Final Site Plan(s) that includes language informing prospective home owners abutting non-residential uses and within the 70 dBa contour of the following:
- The purchase of residential units located within the 49.3-acre and 27.9-acre residential parcels east of Gateway Boulevard. The notice shall inform them of the non-residential mixed use entitlements approved in the southeastern corner of the project.
  - The location of I-75 and that this Interstate may be a 10 lane facility and the location of the 70 dBa noise contour that runs along the Interstate;
- Q(19) Developer may construct within this development, control center compounds in which internet protocol voice and data information streams, multi-channel video programming, and electronic security surveillance communications may be amplified, converted, processed, and combined into a common cable of dispatch to individual residences throughout the development. These communications, multi-channel video, and data information reception centers ("CMVIRs") shall be approximately 30 feet by 40 feet in size. A CMVIR compound may include multiple ground-mounted satellite receive-only dish antennas having apertures of no greater than three (3) meters each, and high-speed wireless access nodes with associated support equipment housed in a building. Each CMVIR will have restricted access and be surrounded and screened by appropriate natural buffers.
- Q(20). No lot shall be platted through a greenbelt, wetland, stormwater pond, or wetland buffer.
- Q(21). Street lighting for the project shall be limited to a maximum height of 20' with a unified theme. The design and shielding of any on-site lighting within the development shall comply with Section 709.2.2 of the Land Development Code. In addition, any pole and building mounted lights in all non-residential development pods and all common area lighting shall be limited to 16' (up to 26' for tennis court lighting) in height and shall be directed to the interior of the development using horizontal cut-off fixtures, the use of decorative street lights is permitted.

Q(22) Prior to Final Site Plan approval a noise analysis shall be done based on the future 10 lane configuration of I-75 and anticipated traffic in 2025.

**Manatee County Noise Level Criteria for the Gateway North DRI**

**MANATEE COUNTY NOISE STIPULATION\***

No residential dwelling units shall be allowed in areas where the exterior noise level is;

Ldn > 65 dBA.:  
Leq design hour > 65 dBA: or  
L10 design Hour > 68 dBA

Unless protected by some performance equivalent measure to achieve;

Ldn # 65 dBA,  
Leq design hour # 65 dBA, or  
L10 design Hour # 68 dBA

**NOISE REDUCTION REQUIRED\***

Sound attenuating barriers should be provided between the residential units and the noise source.

Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.

Buildings shall be positioned to maximize the distance between the residential units and the noise source.

\* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

Q(23). A unified sign plan shall be submitted with the first Preliminary Site Plan submittal. This plan shall include all residential and non-residential sign types proposed and their approximate locations. Non-residential freestanding signs located on Parcel F shall be limited to ground signs a maximum of 8 ft. in height and a size allowed by the amount of frontage. Non-residential freestanding signs for Parcels H and I shall meet the Entranceway provisions and shall be limited to no more than 3 combined pole signs as shown on the Sign Plan. If a lot contains more than one street frontage, a maximum of two freestanding signs per parcel will be allowed. Creation of a subdivision will not increase the number of freestanding signs permitted.

Q(24). The Community Service Parcel shall be limited to use by public safety, fire,

or governmental uses. If the North River Fire Department does not need to use the site, it shall revert to Mixed Uses subject to the requirements in this ordinance and the Development Order.

Q(25). A roadway buffer, a minimum of 30-foot wide shall be shown on the Moccasin Wallow Road and Buckeye Road frontages. This buffer shall contain two rows of canopy trees (10' tall, 4' spread) planted 25' on-center, slightly off-set in each row and evergreen understory trees at a quantity of 6 per 100 linear feet, planted with an informal staggered arrangement. All landscaping shall be planted favoring the roadway. This shall be approved by the Planning Department with the Final Site Plans for projects abutting I-75.

Q (26). No cul-de-sac or dead end road length shall exceed 800 feet.

Q (27). Greenbelt buffers for each site plan or plat shall be a minimum of 20 ft. in width and planted with canopy trees (2 1/2" caliper, 12' in height, with a 5' spread) off-set 30' on center in an informal staggered arrangement with an average quantity of three trees per 100 linear feet. Evergreen understory trees (2" caliper, 6' in height, with a 3' spread) off-set an average 17' on center in an informal staggered arrangement with an average quantity of six trees per 100 linear feet. An informally planted hedge consisting of 33 shrubs (30" in height at planting and 36" on center) shall be installed. Buffers shall be entirely planted prior to first Final Plat approval for each development pod.

The required buffer landscape shall consist of native or naturalized species typically found in this area (plant species to be approved by the Planning Department) and shall provide 85% opacity to a height of 6 (six) feet within three years from the date of the each Final Site Plan or Final Plat approval.

Q(28) There shall be no construction traffic access from this project to 40<sup>th</sup> Avenue East.

Q(29) All Preliminary Site Plans for multi-family units must be approved by the Board of County Commissioners.

There shall be no Final Site Plan approval for multi-family units until a Preliminary Site Plan is approved by the Board of County Commissioners.

Preliminary Site Plans which propose units exceeding 35 feet in height shall submit the required information to determine compliance with Section 603.7.4.9 of the Land Development Code.

The Developer acknowledges that this approval limits multi-family buildings to the density that can be constructed utilizing three stories with a maximum height of 35 feet.



**Section 5. LEGAL DESCRIPTION.**

DESCRIPTION: (O.R. BOOK 1357, PAGE 132)  
THE SOUTH 14 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16,  
TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.  
(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 132)

TOGETHER WITH:  
DESCRIPTION: (O.R. BOOK 1357, PAGE 134)

PARCEL A  
THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE  
COUNTY, FLORIDA.  
LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1025 AT  
PAGE 3055, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.  
SUBJECT TO MAINTAINED RIGHT OF WAYS FOR BUCKEYE ROAD AND GRASS FARM ROAD,  
AND FLORIDA POWER AND LIGHT EASEMENT ALONG THE NORTH LINE THEREOF.  
THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE NORTHEAST 1/4  
OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE  
COUNTY, FLORIDA.  
SUBJECT TO MAINTAINED RIGHT OF WAY FOR BUCKEYE ROAD.

PARCEL B  
THE NORTHEAST 1/4, THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST  
1/4, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE  
SOUTHWEST 1/4, ALL OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE  
COUNTY, FLORIDA.  
LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1030 AT  
PAGE 2797, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.  
LESS THE SOUTH 14 FEET OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4.  
SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR 56TH AVENUE EAST.  
LESS THAT PART FOR RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 867 AT  
PAGE 441, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.  
SUBJECT TO MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD.

PARCEL C  
THE SOUTHEAST 1/4 AND THE EAST 2 OF THE NORTHEAST 1/4 OF SECTION 17,  
TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.  
SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD AND 40TH  
AVENUE EAST.

PARCEL D  
THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH,  
RANGE 18 EAST, MANATEE COUNTY, FLORIDA.  
LESS LANDS DESCRIBED IN OFFICIAL RECORD BOOK 291 AT PAGE 245 AND OFFICIAL  
RECORD BOOK 898 AT PAGE 872, OF THE PUBLIC RECORDS OF MANATEE COUNTY,  
FLORIDA, AND LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75.

PARCEL E  
THE NORTHWEST 1 /4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH,

RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL F

THAT PART OF THE EAST 1 /2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING NORTHWEST OF AND ABUTTING THE NORTHWEST RIGHT OF WAY LINE FOR INTERSTATE ROUTE 75.

PARCEL G

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15"EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET; THENCE NORTH 52°13'21" EAST, ALONG A FENCE, A DISTANCE OF 758.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE WEST, A DISTANCE OF 752.00 FEET; THENCE SOUTH 00°33'15" WEST ALONG THE AFOREMENTIONED WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 805.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 255, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL H

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°30'20" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 492.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°30'20" WEST, A DISTANCE OF 835.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 88°54'50" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1040.38 FEET; THENCE NORTH 00°42'07" EAST, A DISTANCE OF 1293.37 FEET TO THE SOUTH RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE NORTH 88°42'00" WEST, ALONG SAID RIGHT OF WAY LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 714.86 FEET; THENCE SOUTH 00°30'20" WEST, A DISTANCE OF 462.00 FEET; THENCE NORTH 88°42'00" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL I

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1 /4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°03'21" EAST, ALONG A FENCE, A DISTANCE OF 756.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE EAST, A DISTANCE

OF 117.00 FEET; THENCE SOUTH 21°55'00" EAST, A DISTANCE OF 238.00 FEET; THENCE SOUTH 30°37'45" WEST, A DISTANCE OF 249.85 FEET; THENCE NORTH 59°02'07" WEST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 51°53'51" WEST, A DISTANCE OF 674.66 FEET; THENCE WEST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING. LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75 AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 230 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 134)

LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1537 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THEREFROM:

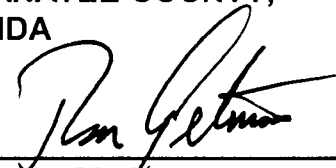
THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1541 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

**Section 6. EFFECTIVE DATE.** This ordinance shall take effect upon filing with the Department of State, State of Florida.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida this the 23<sup>rd</sup> day of August, 2005.

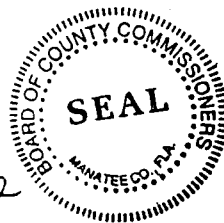
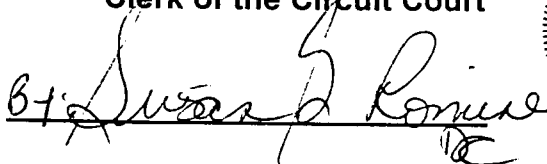
**BOARD OF COUNTY  
COMMISSIONERS  
OF MANATEE COUNTY,  
FLORIDA**

BY: \_\_\_\_\_

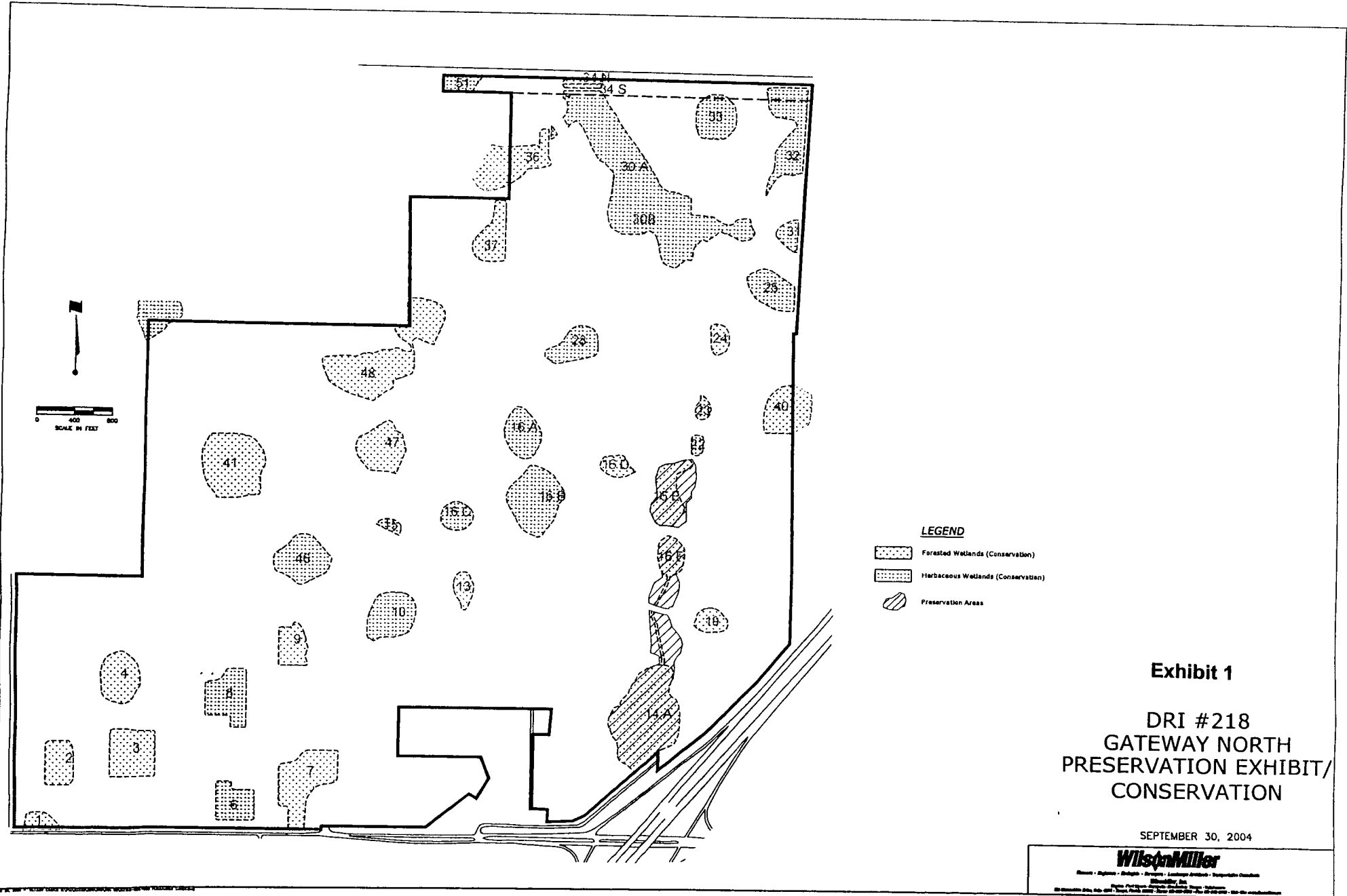


**Chairman**




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







**LEGEND**

-  Forested Wetlands (Conservation)
-  Herbaceous Wetlands (Conservation)
-  Preservation Areas

**Exhibit 1**

**DRI #218  
GATEWAY NORTH  
PRESERVATION EXHIBIT/  
CONSERVATION**

SEPTEMBER 30, 2004

**Wilston Miller**  
Planner - Engineer - Designer - Surveyor - Landscape Architect - Transportation Designer  
 11000 Miller Ave.  
 Minneapolis, MN 55425  
 612-835-1100 Fax 612-835-1101  
 2004 Wilsdon Miller, Inc. All Rights Reserved. Project: Gateway North DRI #218 Exhibit 1 - Wetland Conservation

**Exhibit 2 Wetland Acreages and Impacts - November 3, 2004**

Wetland #	EAC Wetland ID	Land Use	Proposed	
			Acres	Impact Acreage
1	14A	615	12.9	
2	19	610	1.6	
3	No Function	414	0.0	
4	50	615	0.2	
5	12	615	0.6	0.6
6	11	610	0.9	0.9
7	13	641	0.0	
8	13	641	1.4	
9	10	640	0.0	
10	10	640	4.7	
11	15	640	0.6	
12	16C	640	1.8	
13	16B	640	9.0	
14	16D	640	1.4	
15	16A	640	3.5	
16	47	610	5.0	0.3
17	16E, 16F	615	6.3	
18	52	640	0.0	
19	22	643	0.0	
20	22	619	0.5	
21	23	640	0.7	
22	40	640	3.2	
23	24	640	0.0	
24	24	640	1.2	
25	25	640	3.6	
26	31	640	1.2	
27	32	640	0.0	
28	32	640	6.4	
29	33	641	3.9	
30	34N, 34S	641	0.9	
31	30A	640	0.0	0.8
32	30A	640	17.0	0.1
33	30B	640	9.4	
34	27	643	0.2	0.2
35	26	640	0.2	0.2
36	28	640	3.4	
37	No Function	617*	0.0	
38	48	610	0.0	
39	51	640	1.3	
40	36	610	0.0	
41	36	610	2.7	
42	37	610	3.3	
43	48	610	0.0	
44	48	610	0.0	
45	48	610	0.0	
46	48	610	0.0	
47	48	610	12.5	0.6
48	21	640	0.6	
49	41	640	8.5	
50	46	610	0.0	
51	46	610	7.8	3.0
52	9	643	0.0	
53	9	610	2.6	
54	8	610	1.8	1.8
55	7	610	6.9	
56	6	610	3.2	
57	5	610	4.7	
58	4	610	4.1	
59	3	610	5.4	
60	2	610	4.2	1.3
61	1	610	1.0	
	49	610	0.3	0.3
	<b>Totals</b>		<b>172.2</b>	<b>10.1</b>

## Exhibit 3

### **Ambient Water Quality Monitoring Requirements for Developments**

#### **General Monitoring Plan Requirements**

Applicants should establish by pre-development monitoring data collection the current status of any receiving waterbody of the proposed development under the Impaired Waters Rule, 62-303 F.A.C.. Monitoring plan designs must be pre-approved by the Environmental Management Department, Water Quality Division, which will also review the required reports.

#### **Program Duration and Sampling Frequency**

Water quality monitoring must meet the data sufficiency requirements of 62-303.320(4) F.A.C.. At least ten, independent samples with at least one sample from three of the four calendar seasons as described in the cited administrative code. However, sampling must be attempted in all four calendar seasons. Data collection must continue in successive calendar seasons until sufficient data are accumulated to determine the water body status. One year of monitoring data collection will normally be required to meet this criterion. Data from other entities do not satisfy this requirement for current monitoring data collection.

#### **Sampling Stations**

A minimum of one surface water sampling station is to be located in each water body that will receive stormwater discharges from the completed development. Additional stations may significantly increase the reliability of the monitoring program. Applicants should carefully consider if their monitoring program design is viable during the dry season. Samples from multiple stations must meet the independence criteria of 62-303.320(4) F.A.C..

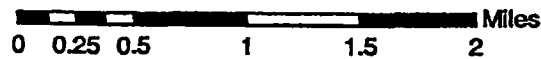
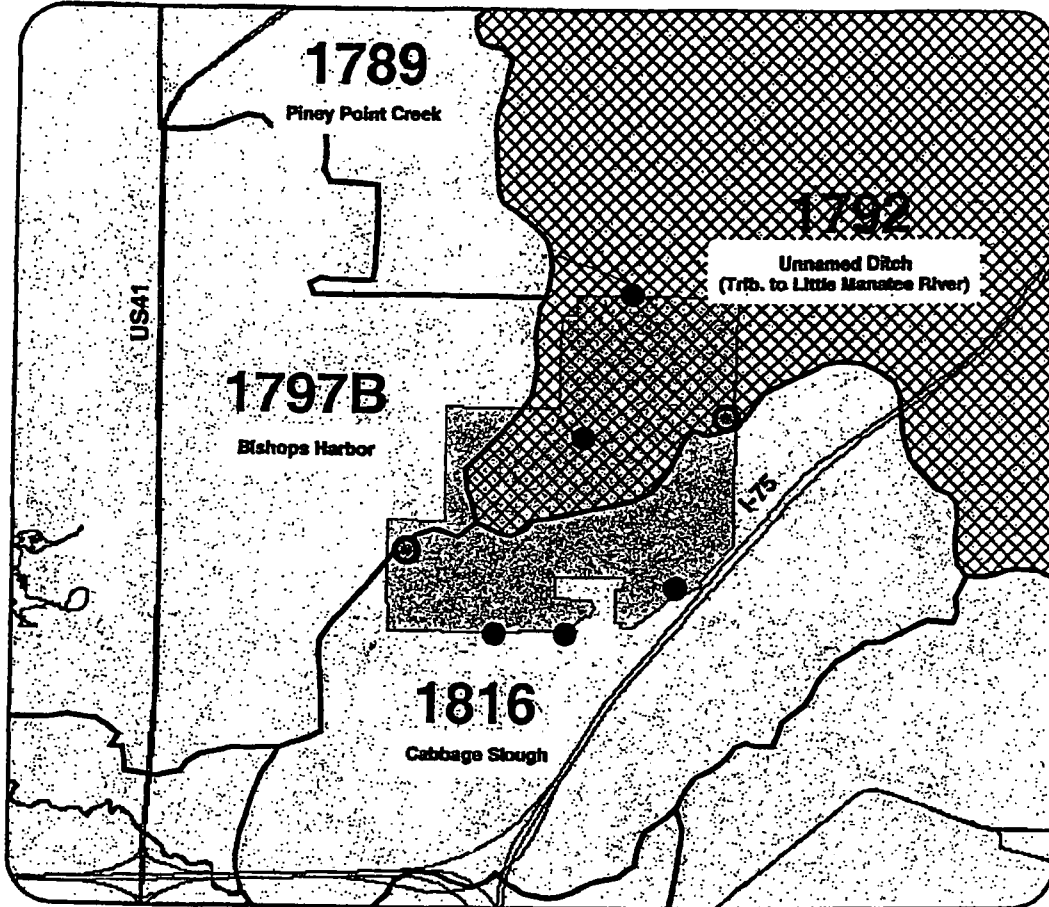
#### **Quality Assurance**

Monitoring data must meet all of the quality assurance requirements of 62-303.320(7) F.A.C.. All monitoring data must be submitted to STORET.

#### **Reporting**

Applicants should submit quarterly status reports no later than 60 days following the end of each calendar quarter. Status reports will indicate where and when monitoring data were collected and summarize the results. A final, interpretive report is due no later than 90 days following the conclusion of the monitoring program. The report will evaluate the monitoring data using the procedures described in 62-303.300 F.A.C. (Planning List), State water quality standards in 62-302 F.A.C., and procedures used by the Florida Department of Environmental Protection Watershed Management Cycle, Phase 1 (Planning List). Data from other entities meeting the quality assurance requirements described above may be used in the interpretive report. Results should be submitted to STORET concurrently with the submission of the final report. Your final report should indicate how these data were labeled so that the submission can be verified through the STORET Internet interface.

# Gateway North Water Quality Stations



- Groundwater-Deep Well Station
- Groundwater-Shallow Well Station
- Surface Water Station
- ▭ WBID Boundaries
- ▨ Impaired for Dissolved Oxygen-Run 14
- Major Roads







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 31<sup>ST</sup> day of  
AUGUST, 2005

R.B. SHORE  
Clerk of Circuit Court

By: Nancy Harris D.C.

9/19/05  
Copy to Sparks

FILED FOR RECORD  
R. B. SHORE



2005 SEP 12 PM 1:19

FLORIDA DEPARTMENT OF STATE

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA

**Glenda E. Hood**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

September 7, 2005

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 31, 2005 and certified copies of Manatee County Ordinance Nos. 05-17 and PDMU-91-01(G)(R3), which were filed in this office on September 6, 2005.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Form was not received for the above mentioned ordinances.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud" with a small "m" below the name.

Liz Cloud  
Program Administrator

LC/kcs

Enclosures

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