

ORDINANCE 93-21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL\* (ADA\*) FILED BY WOODLANDS COUNTRY CLUB ASSOCIATES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB FORMALLY KNOWN AS CIRCLE-N-BAR RANCH; ALSO KNOWN AS UNIVERSITY PARK DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #202; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA  
OCT 8 3 49 PM '93

SECRETARY OF STATE  
OCT 6 11 25 AM '93

FILED

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order\* for the Circle N Bar DRI (MDO\*) for the Arvida Corporation for a planned residential development, a planned commercial development and a planned industrial development on approximately 1134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals\* (ADA\*) could be submitted for the property subject to the MDO\* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order\* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA\* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO\*, in accordance with the aforesaid Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI) filed an Application for Development Approval\* of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order\* with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes. This ADA\* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 which included amendments to add a 74.5 acre parcel known as the Simms Tract\*, the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, development of the property is underway in accordance with Preliminary Development Agreements\* with the Department of Community Affairs dated January 26, 1990, October 18, 1990 and December 11, 1992; and

93-21 Unnamed Exclusive Golf & Country Club 1058

WHEREAS, said Unnamed Exclusive Golf and Country Club was proposed to be a MULTI USE PROJECT on approximately one thousand fifty-eight and a half acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider and approve Applications for Development Approval\* for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

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

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners of Manatee County on June 24, 1993, August 26, 1993, September 23, 1993 and September 27, 1993, held a duly noticed public hearing on said Application for Development Approval\* and has solicited, received and considered all testimony reports, comments, evidence and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning Permitting and Inspections Department; and whereas,

WHEREAS, upon adoption of this Development Order for the Unnamed Exclusive Golf and Country Club DRI, the MDO\* shall be Subsumed and Superseded\* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI development orders; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 27th DAY OF SEPTEMBER, 1993, AS FOLLOWS:

**SECTION 1. FINDINGS OF FACT**

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, Application for Development Approval\*, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. All "WHEREAS" clauses contained in Section 1 of this Ordinance are adopted as findings of fact.

B. The Developer\* has received County approvals for and has commenced development in several subphases of the development consistent with the Preliminary Development Agreements\*.

C. An application has been submitted to Manatee County and is being processed concurrently with this Application\* to rezone the Simms Tract\* from A-1 to PDR and to approve a revised general development plan for the 1058.5 acre project.

D. The Board of County Commissioners of said County has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for an Application for Development Approval\* pursuant to Section 380.06, Florida Statutes. The report was rendered on September 27, 1993, following public hearing and recommended adoption by the Planning Commission.

E. The Board of County Commissioners held a public hearing on June 24, 1993, August 26, 1993, September 23, 1993 and September 27, 1993 regarding the said DRI and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County The Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments and information received at the Public Hearing.

F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

G. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

H. This Development Order is issued based on information provided by the Developer\* in the ADA\*, as amended, and information provided in the sufficiency responses, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist for this project in each of these areas referenced in subsection 1.G above.

I. The proposed Development of Regional Impact regarding the property described in Section 7 herein is found to be consistent with the requirements of the Circle-N-Bar Master Development Order\*, the Preliminary Development Agreements\* with the Department of Community Affairs, and The Manatee County Comprehensive Plan, provided it proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

J. The "Developer\*" submitted to Manatee County, Florida an Application for Development Approval\* (ADA\*), and sufficiency Responses identified in Section 1, which are incorporated herein by reference.

K. This Development Order is consistent with the Circle N Bar Master Development Order\* (R-84-69) originally adopted on May 15, 1984 and amended on September 26, 1986 to the extent it applies to the legal description in Section 6.

L. This Development Order is consistent with the intent of the Preliminary Development Agreements\* and all Manatee County Development Approvals\* granted pursuant thereto.

M. The Arvida portion of the Master Development Order\* is not subject to any requirement or condition imposed by this Ordinance. Upon adoption of this Development Order for the Unnamed Exclusive Golf and Country Club DRI, the MDO\* shall be Subsumed and Superseded\* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

N. The real property which is the subject of this Application\* is legally described as set forth in Section 6 of this Development Order.

O. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

P. The authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms, is Patrick K. Neal.

Q. The Owners\* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; and Sarah Edge Shuler.

R. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs.

## **SECTION 2. CONCLUSIONS OF LAW**

A. Based upon the previous findings of fact and the following conditions of Development Approval\*, the Board of County Commissioners of Manatee County concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
2. Through having limited special exception status for the issue specifically addressed in the Master Development Order\* and the condition contained herein, the Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan, Ordinance 90-01, as amended\*, and the Master Development Order\*. The Master Development Order\* provides the site with special exception status to the Comprehensive Plan for the 40,000 Square Foot Village Center relative to Commercial Locational Criteria.
3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202.
4. This Development Order supersedes the Circle N Bar Master Development Order\* and the portion approved as Arvida is not included as part of this Development Order.

B. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

C. That the review by the County, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA\*, and the Master Development Order\* R-84-69. To the extent that the ADA\* is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of this Ordinance and Development Order for the Unnamed Golf and Country Club DRI, the MDO\* shall be Subsumed and Superseded\* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

## **SECTION 3. DEFINITIONS**

Note: An asterisk (\*) denotes that the word is defined.

A. "Acceptable Level of Service\*" shall be the Levels of Service depicted on revised Table 31-5 of the Application\* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service\* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application\*" and "Application for Development Approval\*" or "ADA\*" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval\* (August 7, 1989), and additional information submittals submitted by the Developer\* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992 and amendments submitted on April 20, 1993 and included as Exhibit "A."

C. "Best Management Practices\*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan\*" shall mean a graphic depiction of the development described in the DRI Application\* and shown as "Map H" of Exhibit B of the Unnamed Exclusive Golf and Country Club Master Development Plan\*.

E. "Conservation Area\*" shall mean areas as defined by TBRPC and shown on "Exhibit C"

F. "County Transportation Authority\*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

G. "Developer\*" shall mean Woodlands Country Club Associates, a Florida general partnership; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval\*" shall mean any approval for development granted through the Preliminary Site Plan\*, Preliminary and Final Subdivision Plat, and Final Site Plan process and/or construction drawing approval where site plans are not required.

I. "Funding Commitments\*" shall mean to assure the completion of any improvement required by this Development Order, and/or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
2. Actual construction; or
3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or
4. A local development agreement as defined by Florida Statutes and the Land Development Code reviewed and approved by the Bureau of State Planning and amended into the Development Order the next time the Development Order is amended for any other purpose. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development\*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\*, e.g., roadway, drainage, water, sewer, communication, utilities, etc.

K. "Master Development Order\*" (MDO\*) shall mean the Circle-N-Bar Ranch Master Development Order\* R-84-69, as amended by R-86-214.

L. "Master Development Plan\*" shall be defined as Map H incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

M. "Owner\*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; and Sarah Edge Shuler; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland\*" shall mean any Wetland\* area, which upon completion of the subphase, that will be a jurisdictional Wetland\* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements\*" (PDA\*) shall mean the agreements between the Developer\* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer\* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan\*" (PSP\*) shall mean a Preliminary Master Development Plan\* or a Preliminary Site Plan\* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas\*" shall mean areas as defined by TBRPC and shown on "Exhibit C"

R. "Simms Tract\*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, section 26, township 35 south, range 18 east, lying south of the Braden River. Lying and being in Manatee County, Florida. Containing 74.5 acres, more or less.

S. "Site Development Plan\*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan\*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede\*" shall mean that the MDO\* and PDA\* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO\* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO\* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21. For the portions of the MDO\* identified as planned development commercial and planned development industrial, the governing DRI Development Order is the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO\* and PDA\* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study\*" shall mean a report presented by the Developer\*, using a methodology acceptable to the County Transportation Authority\*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval\* Process for the next Preliminary Site Plan\*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service\* on any of the roadway segments or intersections within the Transportation Impact Area\* as generally identified in "Exhibit D", to below an Acceptable Level of Service\*. Any such Traffic Study\* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals\*.

V. "Transportation Impact Area\*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP\* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service\*. This area is generally depicted on Map J ("Exhibit D") which was based on data submitted with the ADA\*.

W. "Vertical Development\*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract\*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of section 35, township 35 south, range 18 east, and the south 1/2 of the SW 1/4 of the SW 1/4 of section 26, Township 35 South, Range 18 east, Manatee County, Florida. Containing 63 acres, more or less.

Y. "Warranted\*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All planned and reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland\*" shall mean any wetland under the jurisdictional limits defined by Chapter 17-4, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer\*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Section 30, Chapter 93-213, Laws of Florida, and the Wetland\* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan\* approval.

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

#### **SECTION 4. DEVELOPMENT CONDITIONS**

A.(1) The Development Order approval shall be limited to Option II from Table 1, 1,238 residential units. Currently the proposal to allow commercial on University Parkway is not consistent with the Comprehensive Plan as the site is designated RES-6 and does not meet locational criteria. The applicant may apply for a Comprehensive Plan amendment and rezone and general development plan amendment to allow the commercial development referenced in Option I on University Parkway without requiring an amendment to the D.O which would permit such commercial development. Any such Comprehensive Plan amendment and rezone/general development plan shall be reviewed for consistency with all the existing criteria in the Comprehensive Plan and Land Development Plan. All or a portion of the "Other Commercial Development" and "Quality Restaurant" referenced in option I may be allowed subject to the above with a commensurate and proportionate reduction in the two hundred (200) residential units allowed in option II. The Board and staff have not reviewed any such plan amendment or rezone/development plan and have not determined whether Option 1 development is appropriate other than that the state and regional traffic considerations have been met.

An Application\* for development under Option I must include an amended General Development Plan and Land Use and Phasing Schedule reallocation of commercial square footage and a request for an amended Certificate of Level of Service Compliance. A proposal for development under Option I shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

**TABLE 1  
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB  
PROJECT SUMMARY**

<b>TYPE OF DEVELOPMENT:</b>	Mixed-use (residential and commercial)	
<b>LOCATION:</b>	University Parkway - one mile west of I-75, in southeastern Manatee County	
<b>TOTAL DEVELOPMENT AREA:</b>	<b>1,058.5 Acres</b>	
Residential	683.5 Acres	
Neighborhood Commercial	21 Acres	
Village Center/Clubhouse/Retail	10 Acres	
Golf Course	250 Acres	
Open Space (Roads, Right-of-Way, etc.)	94 Acres	
	<b>Option I</b>	<b>Option II</b>
Residential Units	1,038 d.u.	1,238 d.u.
Neighborhood Commercial		
Village Center	40,000 Sq. Ft.	40,000 Sq. Ft.
Other Comm.	40,000 Sq. Ft.	0
Quality Restaurant (as defined by ITE)	8,000 Sq. Ft.	0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 Sq. Ft.	35,000 Sq. Ft.
<b>BUILD-OUT DATE</b>	<b>December 31, 2001</b>	<b>December 31, 2001</b>

- A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer\* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.
- A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.
- A.(4) This Development Order Subsumes and supersedes\* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle N Bar Master Development Order\* as applied to property referenced in Section 6.



## TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and University Parkway and the development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Prior to the approval of the final plat for the 461st residential unit in the development, the Developer\* shall select one of the options listed below to mitigate these impacts and the mitigation shall be completed in compliance with the option selected:

1. Option 1

Any approval of this development shall require Funding Commitments\* for the roadway improvements listed in Table 2. Without Funding Commitments\* for these improvements, no final site plan or final subdivision plat shall be approved.

2. Option 2

In the event that Funding Commitments\* for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities listed in Table 2 and referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphases thresholds have been specifically identified in Table 2. The Developer\* may choose to generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Chapter 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of the Project plus that to be generated by the next portion for which the Developer\* is seeking approval and other Development Approvals\*. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Table 2) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table 2 at an Acceptable Level of Service\*. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted transportation engineering practices. With respect to phases or subphases which require transportation improvements which are not the subject of Funding Commitments\*, said phase or subphase shall not be approved. At the time of Preliminary Site Plan\* approval for each subphase, the Developer\* shall submit to the County a limited transportation study which shows the distribution on the Transportation Impact Area\* of projected P.M. peak hour external trips for the current subphase plus all previously approved subphases and all other Development Approvals\* to demonstrate which improvements listed in Table 2 are required. In the event that such new analysis demonstrates the need for alternative improvements or different subphase thresholds, the Development Order may be amended to reflect such analysis after appropriate review by the County.

3. Option 3

If the Manatee County Comprehensive Plan is amended to allow mitigation for transportation impacts as provided by subsequent state rule-making and County implementation, the Developer\* may request to provide such mitigation consistent with statutory requirements,

administrative rules and the Manatee County Comprehensive Plan through an application for amendment to the General Development Plan. Application for said amendment shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan. Neither the Board nor the County staff has reviewed any such Comprehensive Plan amendment or General Development Plan amendment as to this project and gives no opinion on such at this time. If the General Development Plan is amended, compliance with this option may serve to mitigate the impact of the development on the regionally significant roadway system and may satisfy the requirements of the Adequate Public Facilities Ordinance with regard to transportation facilities. The Developer\* shall be entitled to receive credit against impact fees in accordance with the provisions of the Manatee County Land Development Code.

**TABLE 2**

**UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB  
DEVELOPMENT**

<b>PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW</b>			
<b>Intersection</b>	<b>% Project Contribution</b>	<b>Required Improvement to Restore Level of Service</b>	<b>Total PM Peak Hour Trips for Project Before Needed</b>
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	466
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

**b. TRANSPORTATION MONITORING**

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to final site plan approval for the 826 dwelling unit, whichever ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than semi-annually. If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted\*, prior to any further final site plan approvals.
2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA\*, then the Developer\* shall conduct a capacity analysis to determine an Acceptable Level of Service\* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run/Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer\* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service\*. In order for the intersections to operate as shown in the Developer's\* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer\* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer\* shall provide for a bus stop at a location on University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

**ENVIRONMENT AND NATURAL RESOURCES**

**Air Quality and Land**

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.
- C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA\* (July 20, 1989) and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-1 of the ADA\*, at minimum, shall be implemented.

Water Quality, Wetlands\* and Drainage

- D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 17-3, 17-302, and 17-25, F.A.C., as well as Manatee County requirements.
- D.(2) Within six months of approval of this Development Order, the Developer\* shall implement a comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Action Commission (EAC). This program shall also be submitted to the City of Bradenton for review and comment. The surface water monitoring program shall provide for the monitoring of surface water during periods of construction and shall continue through one year beyond project buildout. In addition, the surface water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer\* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer\*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

- D.(3) The Master Drainage Plan as required pursuant to MDO\* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. Littoral shelves shall be constructed in the stormwater ponds northeast of the Honore Avenue Extension on the Simms Tract\*. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements\* approved on January 26, 1990, October 18, 1990, and December 11, 1992.
- D.(4) Within six months of approval of this Development Order, the Developer\* shall implement a comprehensive ground water quality and quantity monitoring program approved by the County and the Environmental Action Commission (EAC). This program shall also be submitted to the City of Bradenton for review and comment. The surface water monitoring program shall provide for the monitoring of ground water during periods of construction and continue through one year beyond project buildout. In addition, the ground water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

The Developer\* shall implement a comprehensive ground water quality and quantity monitoring program within 6 months of this Development Order and continue through one year beyond project buildout.

- D.(5) The Wallace Tract\*, and Simms Tract\*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands\* in the entire 1058.5 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.
- D.(6) The Developer\* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D.(7) Impacts to Wetlands\* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland\* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer\* shall provide buffers around all Post-Development Wetlands\*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands\* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 17-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.
- D.(9) The Conservation Areas\* on site encompass approximately 28.21 acres as indicated on the attached Preservation/Conservation Map, Exhibit C. All Conservation Areas\* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of the sub-phase in which the impact occurs. A mitigation priority shall be the addition of littoral shelves to the stormwater ponds proposed for the northeast portion of the Simms Tract\* with appropriate credits afforded to the Developer\*. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland\* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas\* and Preservation Areas\* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands\* encompassing approximately 22.33 acres, indicated as Preservation Areas\* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails and paths, as is provided by TBRPC policy) may be allowed.

The Developer\* shall provide a 50 foot buffer around all post development wetland Preservation Areas\*. All buffers and included Preservation Area\* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

**TABLE 3**

**UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB  
MINIMUM WETLAND\*, PRESERVATION, AND CONSERVATION AREA\*  
MITIGATION RATIOS**

AREAS	MITIGATION RATIOS●	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ♦	4:1 ♦

♦ May be reduced in accordance with Section 719.8.5 of the Land Development Code.

● Ratio is Mitigated Wetland\*: Disturbed Wetlands\*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District Comprehensive Plan and shall be submitted within one (1) year after D.O. approval. Manatee County Planning Director and Manatee County Environmental Action Commission shall approve all such guidelines.

D.(11) The Developer\* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm Water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

**FLOODPLAINS**

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) Pursuant to Rule 17-28.700, FAC, no discharges to groundwater shall be permitted on-site.

## ECONOMICS

- F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

## WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Action Commission (EAC), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland\* management and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.
- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract\* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas\* buffer.

Prior to submitting a Site Development Plan\* for the applicable area of Tract "N" and the Simms Tract\* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer\* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. Said plan shall be prepared in consultation with the Florida Game and Freshwater Fish Commission, FDEP and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland\* management plan which shall address Wetlands\* to be preserved, proposed Wetland\* alterations, if any, mitigation for lost Wetlands\*, if applicable, control of on-site water quality, maintenance of hydroperiods and methods of Wetland\* restoration/enhancement, if appropriate.

In order to protect the natural values of Preservation Areas\* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

- a. No hydroperiod alteration shall be permitted in Preservation Areas\*.
- b. Dredging, filling and development activities within Preservation Areas\* shall be prohibited except at road crossing, utility crossing and boardwalk locations and passive recreational facilities approved by FGFWFC, FDEP and Manatee County, as applicable.
- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks and passive recreational facilities as permitted by FGFWFC, FDEP and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands\* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas\* shall require mitigation as shown on Table 3.

## ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with the DHR, TBRPC and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to TBRPC and Manatee County.

## WASTEWATER

- I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of back-up, to provide assurance against equipment failure and discharge to the environment. These shall include:
- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
  - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
  - c. Wet wells to contain sewage line surcharges/overflows.
  - d. Emergency by-pass pumpouts for tank trucks.
  - e. 100 percent redundancy in lift station pumping equipment.
- I.(2) The Developer\* shall submit to Manatee County prior to June 30, 1994, 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 Manatee County, and should identify the entity responsible for the monitoring and time schedule for conducting the inspections. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings and repairs must be included in the annual report.
- I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(4) The Developer\* shall not utilize on site wastewater treatment.
- I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer\* shall provide a Conceptual Master Plan\* for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer Conceptual Master Plan\* shall show the extent of the sewer lines that shall be provided to serve the Development\*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development\* along with stub-outs for unserved land holdings.

## WATER

- J.(1) The Developer\* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer\* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer\* shall



pursue the stormwater reuse plan proposed in the ADA\*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer\* to use spray effluent.

- J.(3) The Developer\* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

#### SOLID WASTE

- K.(1) The Developer\* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:
- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas;
  - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange and treatment; and
  - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K.(2) The Developer\* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

#### ENERGY

- L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer\* upon occupancy, that the following 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 Exclusive Golf and Country Club Community 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 non-business hours, as appropriate;
  - g. Institute and utilize recycling programs; and
  - h. Utilize energy efficient packaging and/or recyclable materials.
- L.(2) The Developer\* should designate an energy officer to establish energy policies, monitor energy use and encourage conservation for project businesses and first annual report.

## EDUCATION

- M.(1) The Developer\* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer\* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

## RECREATION AND OPEN SPACE

- N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer\*.
- N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.
- N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

## SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

- O.(1) Sheriff, emergency medical services and fire protection will be provided by Manatee County. 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 police, fire, and emergency medical services or any combination thereof. 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 allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer\*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC.

## GENERAL CONDITIONS

- P.(1) The Developer\* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.
- P.(2) The Developer\* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA\*, or in the phasing for the reporting year and for the next year;
  - b. A summary comparison of development activity proposed and actually conducted for the year;

- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer\*;
  - d. Identification and intended use of lands purchased, leased or optioned by the Developer\* adjacent to the original DRI site since the Development Order was issued;
  - e. An assessment of the Developer\*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval\* and which have been identified by the County, the TBRPC or the Department of Community Affairs as being significant;
  - f. Any known incremental DRI Applications for Development Approval\* or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
  - g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
  - h. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
  - i. A statement that all persons have been sent copies of the annual report in conformance with Sub-sections 380.06(14) and (16), Florida Statutes; and
  - j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer\* pursuant to Sub-section 380.06(14)(d), Florida Statutes.
  - k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and
  - l. Reports and/or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), I(2), and L(2).
- P.(3) Any changes in the Development from the parameters set forth in the Application\* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.
- P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- P.(5) The Developer\* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- P.(6) This Development Order shall expire 15 years from date of approval. Buildout shall be complete December 31, 2001. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

## **SECTION 5. DEVELOPER\* COMMITMENTS**

The following are Developer\* commitments set forth in the Application for Development Approval\* (ADA\*), First (SR), Second (SRII), Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer\*, except as they may be superseded by specific terms of this Development Order.

### **GENERAL PROJECT DESCRIPTION**

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA\*, pg. 12-1)

Infrastructure including water, sewer and electricity, along with roadway paving, will be in place prior to homesite development. (ADA\*, pg. 32-2)

All commercial area will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA\*, 12-1)

### **ENVIRONMENT AND NATURAL RESOURCES**

#### **Land**

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA\*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA\*, pg. 14-2)

#### **Water Quality**

The surface water management system planned for this property will utilize Best Management Practices\* to minimize adverse impacts to on- and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality. (ADA\*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland\* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA\*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

### Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

### Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands\*. (ADA\*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

### Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA\*, pg. 20-8)

### Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA\*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting and equipment. (ADA\*, 25-3)

### Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer\* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

### Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA\*, pg. 22-1)

The project will comply with the requirement of Chapter 17-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

## Water Supply

The Developer\* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer\* as each specific parcel of land is developed. (ADA\*, pg. 23-4)

The Developer\* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA\*, 23-4)

## Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA\*, pg. 24-3)

## Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer\*. (SRIV, pg. 17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

## **SECTION 6. LEGAL DESCRIPTION**

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1,058.5 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

## **SECTION 7. COMMENCEMENT OF DEVELOPMENT**

Physical development of the project not included as part of the Preliminary Development Agreement shall commence within three (3) years of approval of this Development Order unless the time period for commencement is extended by the Board of County Commissioners; however, no Development Approval\* not included as part of the PDA\* shall occur until the expiration of the appropriate appeal for this Development Order. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer\* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development\* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

## **SECTION 8. RESTRICTIONS ON DOWN-ZONING**

For ten (10) years from the date upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

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

B. The order was based upon substantially inaccurate information provided by the Developer\*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer\* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

**SECTION 9. BINDING ORDER UPON DEVELOPER\***

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

**SECTION 10. COMPLIANCE WITH CODES, ORDINANCES**

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

**SECTION 11. RENDITION**

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

**SECTION 12. NOTICE OF RECORDING**

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

**SECTION 13. EFFECTIVE DATE**

This Ordinance shall take effect upon being signed by the Chairman of the Board of County Commissioners and the expiration of any appropriate appeal period.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 27th day of September, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Ravi P. Harris  
Chairman

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

R.B. Shore

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 93-31 adopted by the Board of County Commissioners of said County on the 27th day of Sept 1993, this 5th day of Oct 1993, in Bradenton, Florida.

R.B. Shore  
Clerk of Circuit Court  
By: Ravi P. Harris

COPIES TO:

3 Syler

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\_\_\_\_\_  
\_\_\_\_\_

DATE 10-11-93

BY am





FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

October 6, 1993

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA  
OCT 8 3 49 PM '93

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

Attention: Susan French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of October 5, 1993 and certified copies of Manatee County Ordinance Numbers 93-21 and PDR-89-05-(Z)(G)(R), which were received and filed in this office on October 6, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosures (2)

1057