

FILED FOR RECORD
R. B. SHORE

2007 NOV 20 AM 8:45

**MANATEE COUNTY ORDINANCE NO.
PDMU-05-19(Z)(G)
NORTHWEST SECTOR**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
REGARDING LAND DEVELOPMENT, TO REZONE 1,518.90
ACRES FROM THE A (GENERAL AGRICULTURE) ZONING
DISTRICT TO THE PDMU (PLANNED DEVELOPMENT
MIXED USE) ZONING DISTRICT, RETAINING THE OVERLAY
DISTRICTS AND TO APPROVED A GENERAL
DEVELOPMENT PLAN TO ALLOW 4,422 RESIDENCES,
200,000 SQUARE FEET OF COMMERCIAL SPACE, 105,000
SQUARE FEET OF OFFICE SPACE, AND A 120 BED
GROUP CARE FACILITY; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

RECORDED
INDEXED
2007 NOV -9 AM 11:10
FILED

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

Section 1. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in the Northwest Sector DRI Ordinance 07-68, Section 380.06 F.S., the Manatee County Comprehensive Plan, or the Manatee County Land Development Code, in that order of precedence.

SECTION 2. FINDINGS OF FACT. The Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application for Zoning Ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The BOCC received and considered the report of the Manatee County Planning Commission concerning the application for approval of a General Development Plan and Zoning Ordinance approving 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space, and an option to exchange other land uses for a 120 person (maximum) group care facility in the Northwest Sector project.
- B. The Planning Commission has held duly noticed public hearings on September 14, 2006, October 12, 2006, November 9, 2006, January 11, 1007, March 8, 2007, May 10, 2007, July 12, 2007, and August 9. 2007 and found the Zoning Ordinance and the General Development Plan consistent with the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended adoption of the Zoning Ordinance and approval of the General Development Plan. The BOCC held public hearings on October 3, 2006, December 7, 2006, February 1, 2007, April 5, 2007, May 24, 2007, July 12, 2007, August 9, 2007, September 6, 2007, and November 1, 2007 regarding the proposed rezoning and General Development Plan described herein in accordance with the requirements of the

Manatee County Land Development Code (Ordinance No. 90-01) and further considered the information received at the public hearing.

- C. The proposed General Development Plan regarding the property described in Section 4 herein is found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01), as amended.

SECTION 3.

The General Development Plan is hereby APPROVED to allow a maximum of 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space, and a 120 bed group care facility, with the following stipulations:

A. DEVELOPMENT APPROVAL

- A(1). This Zoning Ordinance shall constitute approval of the General Development Plan subject to the conditions set forth herein and limited to the development amounts set forth in Table 1, below.

| TABLE 1 - DEVELOPMENT TOTALS | | | |
|--|--|---|--------------------|
| TYPE OF DEVELOPMENT: Multi-Use Development. | | | |
| Land Use | PHASE I 2007-2011¹ | PHASE II 2009-2019¹ | TOTAL |
| Commercial | 200,000 s.f. | 0 | 200,000 s.f. |
| Office | 105,000 s.f. | 0 | 105,000 s.f. |
| Residential ² | | | |
| Single-family | 2,650 units | 1,422 units | 4,072 units |
| Multi-family | 350 units | 0 | 350 units |
| Total Residential Units | 3,000 units | 1,422 units | 4,422 units |

¹ December 31st of referenced year

² Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (a.k.a. Assisted Living Facility) beds.

- A(2). For Phase I, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase I shall be valid until December 31, 2011, subject to the limitations set forth in Stipulations B(3) and B(21).

- A(3). The Project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use.
- A(4). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Zoning Ordinance 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 Zoning Ordinance or are not inconsistent with this Zoning Ordinance.
- A(5). Each Preliminary Site Plan shall be reviewed to determine compatibility (both internally and externally) and design quality (relative to both site layout and building design), pursuant to the applicable sections of Section 603.4 of the Land Development Code. Staff may impose additional requirements and require site plan alterations in order to address concerns relating to these issues.

B TRANSPORTATION

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

**TABLE 2
PHASE I LINK IMPROVEMENTS**

ROADWAY SEGMENTS

| Link | From/To | Improvement | External Trip Threshold* | ERUs |
|---------------------|-----------------------------|--|---------------------------------|-------------|
| SR 64 | 39th St/Morgan Johnson Road | 6-lanes | 1,881 | 2,266 |
| SR 64 | Lena Rd/Lakewood Ranch Blvd | 6-lanes | 514 | 619 |
| SR 70 | Tara Blvd/I-75 West | 6 lanes with continuous East & West right turn or drop lanes | 1,822 | 2,195 |
| Lakewood Ranch Blvd | SR64/Center Ice Pkwy | 4-lanes | 1,148 | 1,383 |

* Threshold volume is based upon the number of net external trips at which Project traffic becomes significant (at least 5%) on the affected roadway segment.

- B(2). 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).

**TABLE 3
PHASE I INTERSECTION IMPROVEMENTS**

INTERSECTIONS

| Roadway | Intersection | Improvement | External Trip Threshold | ERUs |
|---------------------|-----------------------|---|--------------------------------|-------------|
| SR 70 | US 301 | Add 2 nd EBL and one Thru lane to all approaches | 2,610 | 3,144 |
| SR 70 | 45th St E | Add SBR, 2 nd NBL, and 2 nd WBL | 1,041 | 1,254 |
| SR 70 | Caruso Road | Add NB Left | 2,577 | 3,104 |
| SR 70 | Tara Blvd | Add WB Thru Lane to result in 8 thru lanes | 2,159 | 2,601 |
| SR 70 | I-75 West | Add EB Thru Lane to result in 8 thru lanes | 2,257 | 2,719 |
| SR 70 | Pope Road | Signalize When Warranted | N/A | |
| SR 70 | 87 th St E | Add EB & WB Thru Lanes | 2,083 | 2,509 |
| SR 64 | Morgan Johnson Road | Add EB and WB Thru Lane to result in 6 thru lanes | 2,126 | 2,561 |
| SR 64 | 27th St | NBL | 3,041 | 3,663 |
| SR 64 | I-75 East | Add 2 nd EBL and NB receiving lane | 1,603 | 1,931 |
| SR 64 | Lakewood Ranch Blvd | Add 2 nd EBL, 2 nd WBL, and 2 nd NBL and Add one Thru lane to NB approach, Add NB and SB Receiving lanes | 164 | 197 |
| SR 64 | Rye Road | Add SBR and Signalize | 733 | 883 |
| Lakewood Ranch Blvd | 44th Avenue E. | Signalize When Warranted | N/A | |
| Lakewood Ranch Blvd | Malachite Drive | Signalize When Warranted | N/A | |
| University Parkway | Honore Avenue | Add 2 nd WBL | 1,439 | 1,733 |
| University Parkway | I-75 East | Add 3 rd NBL | 2,388 | 2,877 |
| University | Market Street | Add 2 nd NBL | 2,093 | 2,521 |

| | | | | |
|---------------|-------|-------------------------|-------|-------|
| Parkway | | | | |
| Lorraine Road | SR 64 | Add a NBL and Signalize | 1,714 | 2,065 |

NB means northbound, WB means westbound, SB means southbound, and EB means eastbound.

- B(3). The improvements listed above are triggered by stated ‘External Trip Thresholds’ based upon the traffic study submitted in the record in support of this ordinance. At present, the County has funded and scheduled construction for the improvements to SR 64 from Lena Road to Lakewood Ranch Boulevard and including the intersection referenced above, which will provide sufficient transportation infrastructure to support the development up to the threshold triggering additional improvements (“post-SR 64 threshold”). Accordingly, development that does not trigger a post-SR 64 threshold may be permitted at the time of adoption of this development order subject to the requirements of stipulation B(22) and the conditions set forth in the CLOS to be issued pursuant to the County’s Comprehensive Plan and LDC.

The Developer and the County have entered into discussions to work out a broader solution to the transportation concurrency needs in the area, which may require changes to the list of improvements set forth above and agreed-upon mechanisms for the financing and construction of such improvements. In order to satisfy the concurrency requirements of the County’s Comprehensive Plan, no development that triggers a post-SR 64 threshold shall be permitted unless and until the County and Developer have, in the context of such discussions, determined the improvements necessary to support such development (which may reflect changes to the above list of required improvements), and the method of financing and constructing such improvements. Such required improvements, and the mechanisms for financing and constructing them, shall be established pursuant to a Local Development Agreement or other appropriate instrument, an amendment to this ordinance, or through the scheduling and funding of such improvements by the County in accordance with applicable law, and may include mitigation of transportation impacts through an agreement for proportionate fair-share mitigation pursuant to Section 511 of the Land Development Code.

- B(4). 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 in the Transportation Impact Area, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases have been identified in Transportation Conditions Tables 2 and 3. An initial subphase of 768 external pm peak hour trips has been identified as requiring no transportation improvements.

The Developer shall be bound by the external trip thresholds set forth in Tables 2 and 3, unless the Developer files a Notice of Proposed Change application and provides the County, an updated traffic analysis for the Transportation Impact Area taking into account previously permitted development in the Project plus that to be generated by the next subphase. Copies of this transportation analysis shall be submitted to Manatee County and TBRPC for review and comment. Each updated

traffic analysis shall serve to verify the findings of the initial DRI traffic analysis or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Tables 2 and 3 at the appropriate Level of Service. In the event that a new analysis demonstrates the need for alternate improvements or different trip trigger thresholds, the Zoning Ordinance shall be amended to reflect the revised thresholds or improvements.

B(5). With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which shows the following:

1. External P.M. peak hour trips predicted to be generated by the subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 2 or Table 3 are reached; and,
2. An assessment of the estimated traffic operations and turning with the conceptual design of the driveways serving the Project covered by the Final Site Plan application.

In the event that that total external p.m. peak hour trips projected to be generated exceeds the threshold levels identified in Tables 2 and 3, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless the Developer prepares an analysis which identifies the revised total external p.m. peak hour trips after which the road improvement would be required under the new subphase analysis. The Zoning Ordinance shall be amended to reflect these revised trip levels.

B(6). All improvements to state roadways will require FDOT approval and all improvements to County roads will require Manatee County Transportation Department approval.

B(7). Access to and from the site shall be in accordance with state and local access regulations and as generally shown on the General Development Plan (GDP).

B(8). Prior to or concurrent with each Final Plat approval, right-of-way for the adjacent roadways, as shown on the General Development Plan, shall be dedicated. This dedication shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law.

B(9). Thoroughfare roads that abut this site shall be constructed or a bond posted subject to the approval as to form by the County Attorney, at the cost of the Developer or other appropriate entity, prior to approval of development that has access on that roadway, as such development is generally shown on the GDP subject to timing changes that may be revised as a result of the broader solution set forth in Stipulation B(3). At a minimum, deadlines for completion (or the posting of a bond) of these roads and Malachite Drive shall be as follows:

- a. 44th Avenue

1. From Lakewood Ranch Boulevard to Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or the first Final Plat approval in Parcel G-1, whichever occurs first.
2. From Lakewood Ranch Boulevard to Lorraine Road, prior to the first Final Plat approval in Parcel G-3.

b. Pope Road

1. From 44th Avenue to the northern terminus of Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or the first Final Plat approval in Parcel G-2, whichever occurs first.
2. From its northern terminus to Malachite Drive, prior to the first Final Plat approval in Parcel G-4.

c. Center Ice Parkway

From Pope Road to the eastern most access into Parcels G-7 or G-9, prior to the first Final Plat approval in Parcels G-7 or G-9. If the right-of-way for Center Ice Parkway has been acquired to Lorraine Road, the Developer shall construct the road to Lorraine Road.

d. Malachite Drive

From Lakewood Ranch Boulevard to Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or first Final Plat approval in Parcels G-2 or G-4, whichever occurs first.

All roads shall be constructed with the outside 2 lanes of a 4 lane divided design, including sidewalks, bike lanes, appropriate intersection improvements, and associated stormwater facilities.

This construction shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law.

B(10). Beginning one year after the first Final Plat or Certificate of Occupancy has been issued, an annual monitoring program to provide peak hour counts at the Project entrances shall be instituted to verify that external trip improvement thresholds specified in Tables 2 and 3 for Phase I of the Project are not exceeded. Counts shall continue on an annual basis through buildout of Phase I. The methodology for the annual monitoring program shall be approved by staff.

B(11). Prior to development of Phase II, a revised transportation analysis shall be submitted, pursuant to Section 380.06(6), Florida Statutes. This analysis shall

PDMU-05-19(Z)(G) – Northwest Sector

address potential transportation impacts which might result from the development of this phase.

- B(12). Bicycle and pedestrian facilities shall be constructed on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike lanes shall be constructed in accordance with Manatee County standards.
- B(13). The Developer shall provide sidewalks along both sides of all streets throughout the Project.
- B(14). The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and parks, as determined at time of Preliminary Site Plan approval.
- B(15). The Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, the Developer shall accommodate the requisite stop(s) within the Project.
- B(16). The Developer shall grant to the appropriate agency or agencies, a non-ingress/egress easement prohibiting vehicular access to and from the development via SR 70, Lakewood Ranch Boulevard, 44th Avenue, Center Ice Parkway, Lorraine Road, and Pope Road, except as shown on the General Development Plan for permitted road and driveway crossings. No dead-end roadways or cul-de-sacs shall exceed 800' in length, except for temporary exceedences based on phasing, if approved by the Fire District, based on subphasing.
- B(17). Center Ice Parkway is planned as a Collector Roadway to be extended to Lorraine Road and beyond to the east. The exact alignment has not yet been determined. Therefore, no PSP may be approved for any development in those portions of Parcels G-5, G-6, G-7, G-9, H, or I set forth on Exhibit 3 identified as "Potential Center Ice Parkway Right of Way" until Manatee County has completed a Corridor Route Study for the extension of Center Ice Parkway. Manatee County has estimated that it will complete the corridor study no later than May 31, 2008. In the event Manatee County does not complete the Corridor Study by May 31, 2008, Manatee County shall retain full authority to review and take action on the above-described PSP. The Lakewood Ranch Stewardship District, at its option, may conduct the Corridor Route Study. If this option is exercised, the Lakewood Ranch Stewardship District shall submit the completed study for the County to review at least 30 days prior to the May 31, 2008 deadline.

The Developer shall be responsible for the construction of Center Ice Parkway to the eastern property line and the County shall be responsible beyond the property line, which may be constructed by the Developer pursuant to a reimbursement agreement.

- B(18). Prior to or concurrent with each Final Plat approval abutting perimeter roads, right-of-way for adjacent perimeter roadways as shown on the Preliminary and Final Site Plans shall be dedicated.

B(19). The developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate the future buildout design for each intersection. This shall be determined and shown on all Preliminary and Final Site Plans.

B(20). Manatee County is in the process of developing performance standards to mitigate the noise generated along multi-lane thoroughfares. If such standards are adopted by the Board of County Commissioners prior to the submission of the first Preliminary Site Plan or Final Site Plan with proposed residences adjacent to a planned multi-lane thoroughfare, that and all other subsequent Preliminary Site Plans and Final Site Plan shall comply with those adopted standards.

If Manatee County has not adopted performance standards to mitigate the noise generated along multi-lane thoroughfare have not been adopted prior to the submission of the first Preliminary Site plan or Final Site Plan with proposed residences adjacent to a planned multi-lane thoroughfare, the developer shall prepare for staff review and approval a noise mitigation plan for mitigation of noise from thoroughfare roads. The noise mitigation plan shall apply to the entire Project.

The analysis contained in the noise mitigation plan shall be based on projected 2025 traffic volumes. Thoroughfare noise mitigation measures in each Preliminary Site Plan and Final Site Plan shall be consistent with the approved noise mitigation plan.

B(21). No Final Plats may be approved, and no Building Permits (except for model homes) may be issued prior to June 1, 2008 for the entire project. However applications for Preliminary Site Plans, Final Site Plans and Construction Drawings may be reviewed and approved prior to this date. This stipulation shall supersede Stipulation 5F of Zoning Ordinance PDMU-05-09(Z)(P) (Central Park).

B(22). At the time of Preliminary Site Plan, Final Site Plan, and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

C. WETLANDS

C(1). All wetlands defined as "Preservation or Conservation Areas" by TBRPC (as shown on the General Development Plan (Exhibit 1) shall be preserved or conserved, respectively, except as shown on the GDP and as indicated in Condition C(3). The Developer shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas, except as shown on the GDP and as indicated in Condition C(3).

C(2). Except for wetland restoration and enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved.

- C(3). Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719), as specified in permits issued under 40D-4 FAC or under 62-340, FAC, as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Mitigation may be provided by withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan, if approved by appropriate agencies. Any on-site wetland compensation areas shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the on-site created wetlands and enhanced wetlands shall meet or exceed eighty-five percent (85%) 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 mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Zoning Ordinance.
- C(4). 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, and setbacks shall be in compliance with the Manatee County Land Development Code.
- C(5). A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval (or 1st C.O. if platting is not required).
- C(6). The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan.
- C(7). No lot shall be platted through a wetland, stormwater pond, or wetland buffer.
- C(8). The developer shall be responsible for providing mitigation for impacts to Wetland 41 associated with the widening of Lakewood Ranch Boulevard. The amount of mitigation required for the proposed wetland impacts will be determined and approved by SWFWMD with the issuance of the Environmental Resource Permit.
- C(9). The developer shall provide a copy of the Environmental Resource Permit approved by SWFWMD to the Planning Department prior to Final Site Plan approval.

D. VEGETATION AND WILDLIFE

- D(1). An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval for each development pod. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Final Plat

approval, in accordance with Section 715.4 of the LDC.

D(2). The following Pine Mesic Oak (414) and Pine Flatwood (411) Communities shall be preserved, as indicated on the GDP, and further stipulated:

| FLUCFCS Code | Pre-Construction | Post-Construction | | Habitat (w/in Wetland Buffers) | | Habitat (w/in Upland Conservation) | |
|--------------|------------------|-------------------|-----------------------------------|--------------------------------|--------------------------------------|------------------------------------|---|
| | Acreage | Acreage | Percentage (of habitat remaining) | Acreage | Percentage (of habitat w/in buffers) | Acreage | Percentage (of habitat w/in conservation) |
| 411 | 117.8 | 21.7 | 18.4% | 12.4 | 22.8% | 7.0 | 14.5% |
| 414 | 59.9 | 31.7 | 52.9% | 12.9 | 23.7% | 16.0 | 29.4% |
| Total | 177.7 | 53.4 | 30.1% | 25.3 | 47.4% | 23.9 | 44.8% |

| Area | 411 | 414 | Total |
|---------------------------|------|------|-------|
| Wetland Buffers | 12.4 | 12.9 | 25.3 |
| Perimeter Buffers | 1.4 | 2.8 | 4.2 |
| Upland Preservation Areas | 7.9 | 16.0 | 23.9 |
| Total | 21.7 | 31.7 | 53.4 |

The preservation areas shall be clearly delineated, labeled and quantified on the Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.) Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.

D(3). Unless otherwise approved by the Planning Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.

D(4). The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to each Final Site Plan approval. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.

D(5). Final Site Plans within management guideline distances (as prescribed by US Fish and Wildlife Service) of the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagle or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service.

D(6). In the event that any state- or federally-listed species are discovered breeding on-site during project development, the Developer shall immediately notify the Florida

Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.

D(7). Appropriate wildlife passageways shall be incorporated into the roadways designed to cross the Wolf Slough corridor, if practical and approved by appropriate state, regional, and local agencies.

D(8). Tree Protection Measures:

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. Specific tree protective measures shall be approved by the Planning Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed unless specifically approved and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees unless otherwise approved by the Planning Department: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by Planning Department.

The Final Site Plan shall include details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

E. LAND

E(1). The Developer shall limit site work and construction to areas needed for immediate development or stockpiling, if shown on the Final Site Plan.

E(2). An integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas.

E(3). A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the EMD for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first.

E(4). The entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination

be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.

- E(5). A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.

F. AIR QUALITY

- F(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; and
- g. Clean (sweep) paved roads adjacent to site as necessary;

- F(2). Prior to development of Phase II, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

- F(3). If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.

G. WATER QUALITY AND DRAINAGE

- G(1). 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, pursuant to SWFWMD and County approved methods, 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.

- G(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. Low Impact Development techniques shall be used, where feasible.
- G(3). The Developer shall be the entity responsible for maintaining the stormwater management system.
- G(4). Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- G(5). The applicant submitted an Ambient Surface Water Quality Monitoring Report to Manatee County in November 2004. The report contained the surface water quality data representing the site specific ambient conditions to meet the one year pre-construction monitoring requirement, as specified in the "Ambient Surface Water Monitoring for Developments" Guidance document. On April 5, 2005, the Ambient Surface Water Quality Monitoring requirement was considered satisfied by the County.
- G(6). Within one year of initiating vertical construction, the Developer shall submit the results of surface water quality monitoring to Manatee County for review. The Plan shall be reviewed by Manatee County for consistency with the County's "Ambient Surface Water Monitoring for Developments" (Guidance) document.
 - A. The results of the monitoring shall be submitted to the County with each DRI Biennial Report and shall include an official laboratory report.
 - B. The Developer will 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.
 - C. 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 and shall 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.
- G(7). The applicant submitted a Groundwater Quality Monitoring Plan on February 15, 2006, to monitor for ambient (pre-development) and construction water quality conditions, as specified above. On February 21, 2006 the Groundwater Quality Monitoring Plan was approved by the County.

- G(8). Water quality samples shall be collected and analyzed in accordance with Manatee County's Guidance document, referenced above and the Northwest Sector DRI Site's Groundwater Quality Monitoring Plan, dated February 15, 2006. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, the County and DEP will be properly notified for further action. The results of the groundwater quality monitoring shall be submitted to the County for review with the DRI biennial report and shall include an official laboratory report.
- G(9). 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.
- G(10). To the extent required by applicable law, 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 within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for five years.
- G(11). The Developer shall conduct biennial inspections of the stormwater management system on the Project site to ensure it is being properly maintained in keeping with its design and is capable of accomplishing the level of stormwater storage or treatment for which it was designed and intended. Verification of such inspection shall be supplied in each biennial report.
- G(12). To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- G(13). Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- G(14). All fill within the 25-year and 100-year floodplains shall be compensated by the creation of an equal or greater storage volume above the seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e. stormwater attenuation and floodplain compensation). The available storage volume above the 25-year Design High Water Level of any proposed stormwater attenuation ponds can be calculated toward compliance with the flood plain compensation requirement. In lieu of the above cup-for-cup compensation, the applicant may perform hydraulic analysis that reflect a No-Rise to the FEMA base flood elevation and receive a CLOMR from FEMA for the effected area. The hydraulic model is subject to approval by Manatee County.
- G(15). Education advocating surface water protection shall be provided to all residents and tenants in the project.

- G(16). This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek. Modeling shall be used to determine pre- and post- development flows.
- G(17). The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
- G(18). Drainage Easements shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along any drainage systems conveying public drainage. In addition, Drainage Maintenance/Access Easements shall be dedicated along the banks of these systems in accordance with Manatee County Public Work standards. Manatee County is only responsible for maintaining the free flow of drainage through these systems. Manatee County has no obligation relative to these systems to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of stream beds.
- G(19). A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of Wolf Slough and Mill Creek. Any existing or proposed structures within the floodway shall be modeled.
- G(20). The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the following planned thoroughfare roadways that are located immediately adjacent to the project to accommodate the following planned build-out conditions. The developer shall design and construct the stormwater capacity for that portion of the following planned thoroughfare roadways within the project area and such design and construction shall be included in the SWFWMD permit documentation.

| | |
|------------------------------|---------|
| Lakewood Ranch Boulevard | 6 lanes |
| 44 th Avenue East | 4 lanes |
| Center Ice Parkway | 4 lanes |
| Pope Road | 4 lanes |
| S.R. 70 | 6 lanes |
| Lorraine Road | 4 lanes |

H. HISTORICAL AND ARCHAEOLOGICAL SITES

- 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, 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.

I. WATER

- I(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.
- I(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.
- I(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 metèred water faucets shall be required in all public and commercial restroom facilities.
- I(4). The Developer shall maintain all water lines and fire hydrants not dedicated to the County.
- I(5). The Developer shall use only nonpotable water to meet nonpotable (irrigation) water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility.
- I(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.
- I(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.
- I(8). The developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) stormwater and (s) non-potable quality groundwater. Prior to Final Site Plan approval(s), the developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including on individual lots.
- I(9). For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas, in accordance with Policy 3.2.3.3. 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. Native vegetation or drought-resistant vegetation shall be used in common and non-residential landscaped areas. Non-native vegetation may be used, consistent with xeriscape principles.

- I(10). The average total potable water use for the development shall not exceed 110 gallons per capita per day.
- I(11). 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.
- I(12) The Developer shall submit a Master Plan for potable water, wastewater, and fire protection simultaneously with construction plan submittal for each area covered by the construction plan. The Developer shall also be responsible for determining if upgrading of offsite potable water and wastewater facilities is necessary 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.

J. WASTEWATER

- J(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.
- J(2). No permanent septic system shall be permitted within the project.
- J(3). Sewer lift stations shall be designed and equipped in accordance with County regulations.
- J(4). The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- J(5). The Developer shall implement a wastewater reuse system, outside of the Evers Reservoir basin, when feasible.

K SOLID WASTE

- K(1) As stated in the ADA, it is not anticipated that hazardous or toxic waste will be generated by the project's office or commercial tenants. 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, 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 biennially.

K(2). All project tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use, if any, shall be included in each Biennial Report.

K(3). 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.

L. RECREATION AND OPEN SPACE

L(1). Provide a minimum of 1 acre of usable recreation open space per 100 dwelling units with sufficient acreage in each defined Parcel and group of Parcels (see table below). (The Project is proposing 44.8 acres of recreation open space, greater than the 44.22 acres required by the formula above.) The project shall include Pocket Parks in each Parcel and a minimum of one Neighborhood Park per 500 units for

each Parcel or group of Parcels that contains 500 units or more. A Community Park may be built in lieu of Neighborhood Parks within a given Parcel or group of Parcels, as long as the total acreage and distribution of recreation area/park land is met.

The project shall create a “green infrastructure” by connecting recreation areas/parks with trails/greenways; some of which may be 8-10 foot wide meandering landscaped sidewalks/multi-use trails.

Acreage for trails/greenways shall count towards meeting the 1 acre per 100 dwelling units for recreation areas/parks described above. For any trails not located within a recreation area/park, the recreation area shall be calculated as 3 times the width of the trail/greenway times the length of the trail.

Lakes, stormwater ponds, wetlands and other water features can be included in the total recreation open space acreage if there are recreation amenities such as fishing/observation piers, boardwalks, canoe/kayak/boat launches or other water related amenities associated with said water features. The recreation open space acreage for water features shall be calculated as 3 times the acreage of the recreation amenity itself (i.e.: 3 times the footprint of a fishing/observation pier) but not the acreage of the entire water body.

- L(2). The project shall contain a minimum of 44.8 acres of usable uplands for recreation open space/parks, including water features with recreation amenities. Acreage for the trails/greenways system shall be included in the 44.8 acres for recreation areas/parks. The Developer shall allocate this acreage as follows:

| Parcel | Park Types |
|---|--|
| Parcel A-2 | 1 Pocket Park |
| Parcels C-1 – C-4 | 1 Neighborhood Park |
| Parcels G-1 - G-9 | One or more additional neighborhood parks distributed appropriately north and south of Center Ice Parkway and Malachite Drive. |
| Parcel E | 1 Pocket Park or other recreation facilities |
| Parcel I | 1 Pocket Park |
| Parcel J | 1 Pocket Park |
| Off-site – Pope Road @44 th Avenue | 1 Neighborhood Park |
| Kent Lakes | 1 Neighborhood Park or 1 Pocket Park with water-use facilities (i.e. pier(s) and canoe launch area(s).) |
| Trails east of Pope Road | 2 miles of trails 10' wide |

The specific size of each recreation area/park shall be determined by the Developer (as approved by the Planning Department in consultation with the Parks and Recreation Department) at time of Preliminary Site Plan approval based on the lot size(s) or unit types in the area being served. In general, Pocket Parks shall be a minimum of 1 – 4 acres, Neighborhood Parks 5-10 acres and Community Parks 20

– 50 acres in size. All parks shall be distributed accordingly so residents can safely walk/bike from their home to the park (generally not more than ½ mile).

The required park area in each Parcel(s) may be reduced, at a ratio of 1 acre/100 units, if the Parcel(s) are not built out to the number of units identified on the General Development Plan.

- L(3). Pocket Parks shall include a playground with seating, water fountain and shade structure, an open play field and shade trees. Other amenities may include a picnic area with pavilions, tables, benches and grills, depending on neighborhood demographics. Pocket Parks may be connected to the overall recreation area/park system via sidewalks and/or trail/greenway.
- L(4). Neighborhood Parks shall contain active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Optional facilities include hard court facilities (tennis, racquetball, shuffleboard, etc) and a “club house” with swimming pool, depending on demographics of future residents. Neighborhood Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
- L(5). Community Parks shall include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); hard court facilities (tennis, racquetball, shuffleboard, etc.); a “club house” with swimming pool; multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Actual recreation facilities built are dependent on demographics of future residents. Community Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
- L(6). Any park in an “age-targeted” or “age-restricted” neighborhood shall have facilities appropriate for that age group. Parks not in age-targeted or age-restricted neighborhoods shall provide facilities appropriate for all ages, including a playground with outdoor play equipment.
- L(7). Multi-family parcels (Parcels A-2 and J, as listed in L(2), above) shall include active and passive recreation facilities that meet the needs of future residents based on projected demographics.
- L(8). A master plan for trails/greenways for the area east of Pope Road, shall be approved by the Manatee County Planning Department (in consultation with the Parks and Recreation Department) prior to the first Preliminary Site Plan. (The “Central Park” area west of Pope Road and east of Lakewood Ranch Boulevard has previously received Preliminary Site Plan approval.) At a minimum, the trail/greenway system shall include a trail/greenway adjacent or proximate to the wetlands and preserved uplands on the project’s eastern side with “collector” trails

from residential neighborhoods connecting with the “wetland/preserve” trail. Trails/greenways shall contain benches with shade (architectural and/or vegetation) located along the trail system in appropriate locations (i.e.: rest stops; for nature observation etc.). Other recreation facilities such as gazebos may also be located in appropriate locations along the trail system. Trails/greenways shall, as much as practical, be ADA compliant with an emphasis on accessing the most significant natural and built landscape components (i.e.: beautiful vistas and fishing/observation piers, among others). Improvements shall be completed concurrent with adjacent plat approvals.

- L(9). All nature trails, board walks and other recreation amenities that may be permitted by the Planning Department in wetlands, wetland buffers, and upland preservation areas shall be designed to minimize impacts to trees, other significant vegetation and natural habitats in accordance with Section 719 of the Manatee County Land Development Code. Management plans shall be written and implemented to ensure the long term maintenance and ecological viability of these areas.
- L(10). All recreation, park, and wetland sites shown on the General Development Plan shall not be utilized for other uses inconsistent with their designation on this map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- L(11). 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, or other similar entity, for the project.
- L(12). The developer shall dedicate to Manatee County land outside of the DRI boundary for a recreational park consisting of approximately 15 acres of usable park land, lying north of 44th Avenue Extension (proposed) and west of Pope Road adjacent to the parcels owned by the Manatee County School Board at the northwest quadrant of that intersection. Dedication of the park land shall occur prior to the first Final Site Plan approval after the commencement of Phase II. The developer shall design and construct park improvements as agreed upon between the developer and Manatee County Parks and Recreation Department, the timing of which will be determined in the future once the County has a clearer understanding of future funding available for park operations. If built, park improvements shall be constructed using design concepts and materials consistent with similar park facilities in other Manatee County parks. Manatee County shall identify the park as a planned project within the parks and recreation level of service standards contained in the Comprehensive Plan as a condition precedent to the developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Parks and Recreation system. If the dedication and construction by the Developer meets this condition, it shall be eligible for impact fee credits from the parks and recreation component.
- L(13). The existing Kent Lakes shall be incorporated into the project's recreation infrastructure. This may include, but not limited to, the construction of trails around the lakes; passive observation points with benches; small fishing pier(s); and a

canoe/kayak launching area. Recreation facility acreage at Kent Lakes can be included in the overall recreation area/park acreage as described in L(1) and L(2).

M. EDUCATION

- M(1). To mitigate the project's impacts, the Developer provided the Manatee County School Board sufficient land for elementary and middle school sites.

N. HEALTH CARE, POLICE, AND FIRE

- N(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 I 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.
- N(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 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. 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.
- N(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. The project shall use, as applicable, Fire Wise principles, such as clearing around houses, carefully spacing trees, and maintaining irrigation systems.
- N(4). The maximum height of buildings 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.
- N(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 Braden River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Final Plat or Certificate of Occupancy in the project.

O. ECONOMICS

- O(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.
- O(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.
- O(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.

P. ENERGY

- P(1). Issuance of development approvals for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- P(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.

Q. AFFORDABLE HOUSING

Q(1). An assessment of the potential affordable housing impacts of the project was performed as part of the DRI review. This analysis was accepted by the reviewing agencies and indicated that there was no unmet need for affordable housing in the project area. No mitigation for affordable housing impact is required.

Q(2). Any affordable housing analysis required in the event this Ordinance is amended to allow non-residential development in Phase II beyond that approved in Phase II shall be based on statutes, ordinances and rules in effect at the time this ordinance is amended is amended.

R. HURRICANE PREPAREDNESS

R(1). The Developer shall coordinate with the Institute for Business and Home Safety (IBHS) and the Manatee County Emergency Management Department to determine the feasibility of incorporating wind resistant “fortified” design criteria into the commercial and office facilities.

S. DESIGN STANDARDS

S(1). Regardless of information contained in the General Development Plan or development stipulations contained within this ordinance, this project shall comply with all regulations of the Land Development Code and the Comprehensive Plan.

S(2). Non Residential

- a. The maximum square footage for each commercial and office parcels shall not exceed what is identified on the General Development Plan.
- b. Building heights and setbacks in Parcels A-1 and E shall be determined at time of Preliminary Site Plan approval to sufficiently address design quality and compatibility.
- c. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.

- 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the

buildings do not project a massive blank wall, design elements with distinctive color variation shall include 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.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).

- 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.
- 3) All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

d. Service Areas

- 1) All truck loading, service areas, and outside storage shall not be adjacent to or visible from adjacent roads or visible from residential properties.
- 2) Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.
- 3) Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or sides if facing residential) shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:
 - delivery, loading, or unloading of tractor trailer or semi-trucks;
 - use of forklifts or other loading or unloading devices; and
 - running of truck or trailer motors, or other refrigeration devices installed thereon.

- e. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department with each Final Site Plan containing a food service establishment or use.

PDMU-05-19(Z)(G) – Northwest Sector

- f. Exterior loud speakers, bells, or similar audio-communication shall not be permitted; however, directed (non broadcast) communication devices and intercoms shall not be restricted. "Directed (non broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.
- g. Signs shall meet the requirements of Section 724 of the Land Development Code. Each non-residential parcel, as identified on the GDP, have one pole signs. All other permitted signs shall be ground signs.
- h. Each non-residential parcel shall include a pedestrian connection, where applicable, to abutting residential parcels, to be determined at time of Preliminary Site Plan approval.
- i. A maximum of six (6) gasoline pumps per parcel may be located on Parcels B, D, and E. Any gasoline pumps on Parcels B, D, and E shall be a minimum of 120 feet from any residential lots.
- j. Parcel A-1
 - 1) Parcel A-1 may not be developed with commercial uses unless the GDP is amended to reallocate existing commercial entitlements in the project to this parcel or the commercial entitlements in the project are increased.
 - 2) A vertical mix of land uses is permitted on Parcel A-1. If a vertical mix is designed on this parcel, it will include commercial (if permitted in the future) and office uses on the first floor and residential or office land uses on the upper floors.
 - 3) The wetland at the southwest corner of Lakewood Ranch Boulevard and 44th Avenue shall be included in Parcel A-1 in order to take advantage of the 75% Rule pursuant to Land Use Operative Provision E(5)(a) of the Comprehensive Plan.
- k. Parcels B and D
 - 1) The eastern-most outparcel on Parcel B shall be limited to a bank, personal service establishment, business services, post office, or office. If a bank, the drive thru shall be on the west side of the building.
 - 2) The minimum building setbacks shall be as indicated on Sheets 4 and 12 of Preliminary Site Plan (PDMU-05-09(Z)(P)). Setback reduction modifications, pursuant to Section 603.6 of the Land Development Code, shall not be granted to the buildings adjacent to the residential component.
 - 3) The footprint for the two anchor stores on Parcel B shall maintain the angle with the eastern property line as shown on Preliminary Site Plan

(PDMU-05-09(Z)(P), unless increased building setbacks are provided to mitigate for the increased impacts.

- 4) The maximum height of non-residential buildings within 175 feet of any residential lot shall be 24 feet.
- 5) At time of Final Site Plan submittal, a fifteen foot buffer shall be provided along the boundary of each parcels where it abuts the residential component.
- 6) At least one year prior to the first Final Site Plan approval for each commercial parcel, the abutting landscape buffer on the residential parcel shall be completed and certified to the Planning Department by a Florida Registered Landscape Architect. The Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

Prior to Certificate of Occupancy for the main commercial buildings, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

- 7) The developer shall construct vehicular access to the Parcel B from Parcel C-3. Such access may, at the developers option be gated. Modifications to the site plan to accommodate this connection may be administratively approved.
- 8) The applicant has the option of administratively relocating up to 3,000 square feet of commercial entitlements in Parcels B or D to lots adjacent to the central park, consistent with the Comprehensive Plan.

I. Parcel E

- 1) The building design and site layout shall promote a pedestrian and neighborhood scale, to be determined at time of Preliminary Site Plan approval.
- 2) Parcel E shall be designed in such a way as to maintain connectivity between adjacent neighborhoods and ensure compatibility of between non-residential and residential uses within the parcel, to be determined at time of Preliminary Site Plan approval.
- 3) The building and layout shall be substantially consistent in theme with the photos and plan submitted and attached as Exhibit 4.
- 4) To promote a neo traditional design theme, limited parking shall be allowed in front of the building(s).

PDMU-05-19(Z)(G) – Northwest Sector

- 5) Building height shall be limited to 30 feet, except for architectural features which may be up to 45 feet in height.
- 6) No building shall be constructed within 50 feet of a residential subphase or lot, if platted.
- 7) Building layout and design shall avoid the look of a “Big Box” building; and
- 8) Any structures (residential, non-residential, ancillary, etc.) constructed within the “Coordination Zone”, as indicated on the GDP, shall be designed in a style compatible with the style of the main buildings or buildings within Parcel E.

S(3). Residential

- a. The setbacks, heights, and lot sizes for residential land uses shall be as follows:

| Type | Min. Lot Size (Sq. Ft.) | Minimum Lot Width ⁴ (Ft.) | Front Setback (Ft.) ¹ | Side Setback (Ft.) | Rear Setback (Ft.) | Maximum Height (Ft.) |
|-------------------------------------|-------------------------|--------------------------------------|----------------------------------|--------------------|--------------------|----------------------|
| Single-Family Detached ³ | 4,950 | 45 | 25/20 | 6 ⁵ | 15 | 35 |
| Single-Family Detached ³ | 9,000 | 76 | 25/20 | 6 ⁵ | 15 | 35 |
| Single-Family Detached ³ | 9,000 | 80 | 25/20 | 7.5 | 15 | 35 |
| Single-Family Attached | 2,500 | 25 | 25/20 | 0/10 | 15 | 35 |
| Single-Family Semi-Detached | 4,950 | 45 | 25/20 | 0/10 | 15 | 35 |
| Multi-Family | NA | NA | 25 | 15/25 ² | 15 | 35 |
| Park | NA | NA | 25 | 15 | 15 | 35 |

1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
2. This distance is not a side yard setback but the minimum distance

- between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
3. Required setbacks are based on the dominant lot width for each subphase of development.
 4. No more than 50% of the residential lots in the DRI shall be less than 76 feet in width.
 5. Sideyard setback of 6' permitted only if HVAC equipment is in the rear of the building.
- b. The minimum size for single-family residences shall be twelve hundred (1,200) square feet.
- c. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan shall include language informing prospective homeowners of the following:
- 1) The location and size of future commercial and office developments in the project.
 - 2) The future extensions of 44th Avenue, Pope Road, and Center Ice Parkway as collector roadways through the project, and Malachite Drive as a major local street through the project.
 - 3) Inter-neighborhood ties, where applicable.
- d. Any Preliminary Site Plan for residential development next to a previously approved residential plan containing a less intense residential product (i.e. single family attached adjacent to single family detached) shall provide enhanced separation and buffering between the two types of housing products, as approved by the Planning Director.
- e. A Group Care Home (small and large) is permitted on Parcels A-1, A-2, G-5, G-8, G-9, I or J. The height of any Group Care Home on a residential parcel may not exceed 3 stories and 35 feet. All large group care homes shall maintain a minimum setback of 75 feet from adjacent single family property and shall be on a roadway shown on the GDP.
- f. Parcel A-2:
- 1) The multi-family buildings located on Parcel A-2 shall be setback a minimum of 75' from Lakewood Ranch Boulevard and 30 feet from Rosedale to the west. This shall be approved by the Planning Department with the Preliminary and Final Site Plans.
 - 2) The multi-family buildings on Parcel A-2 shall be separated from

Parcel A-1 by a 20' screening buffer.

g. Parcels C-1 – C-4

- 1) Prior to Final Plat approval for the sections of Parcels C-2 and C-3 abutting Parcels B and D, the wall, berm, and landscaping depicted in Attachment "B" as shown on Preliminary Site Plan (PDMU-05-09(Z)(P)) shall be installed.
- 2) To provide adequate area for tree canopy growth for screening purposes, the landscape buffer, where abutting the commercial component in Parcel B, shall be increased to a minimum width of 40 feet in Parcel C-3. Lots shown on the Preliminary Site Plan as being within this stipulated buffer shall be redesigned and relocated out on the Final Site Plan.
- 3) Lots in Parcels C-2 and C-3, within 200 feet of Parcels B and D, shall be limited to one story houses.
- 4) The developer shall construct vehicular access from Parcel B to Parcel C-3. Modifications to the site plan to accommodate this connection may be administratively approved.

h. Parcel G-7

An upland buffer at least 35 feet wide shall be provided along the eastern boundary where this parcel abuts parcels adjacent to Lorraine Road.

i. Parcel H

A maximum of 2 single-family detached residences, one on the north and south sides of the wetland system, shall be permitted.

j. Parcel J

All multi-family buildings shall be setback a minimum of 75' from SR 70. This shall be approved by the Planning Department with the Preliminary and Final Site Plan.

T. DEFINITIONS

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either

as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.

- B. "Application for Development Approval" (or ADA) shall mean the Northwest Sector Development of Regional Impact Application for Development Approval (Submitted on May 2, 2005); the First Sufficiency Response submitted by the Developer on July 14, 2005; the Second Sufficiency Response submitted on October 28, 2005; the Third Sufficiency Response submitted on January 26, 2006.
- C. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- D. "Development Plans" shall mean any Preliminary or Final Site Plan issued by Manatee County.
- E. "Developer" shall mean SMR North 70, LLC, its heirs, assigns, designees, and successors in interest as to the Project.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Site Plan, Final Plat, or Construction Drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitments" shall mean any combination of the following to assure the completion of any improvements required by this Development Order: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction of the improvements required as referenced in Tables 2 and 3 of this Ordinance; 2) actual construction; 3) the placement of the improvements in the current year plus one year of the Capital Improvements Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Local Development agreement entered into between the Developer and the County. This Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 2 and 3.
- H. "General Development Plan" shall be defined as the site plan for PDMU-05-19 (G), last revised on September 10, 2007, and attached as Exhibit 1. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development in Table 1.
- I. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code

(F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development of this project.

- J. Preliminary Site Plan" (PSP) shall mean a Master Preliminary Plan or a Preliminary Site Plan for a Phase or Subphase, as defined in The Manatee County Land Development Code.
- K. "Project" shall mean the land uses, phasing, and improvements described in Table 1 which are attributable to development on that property described in Section 4 herein and set forth on the General Development Plan attached hereto as Exhibit 1.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, or the County, provided the more restrictive percentage of such greater percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J of the Development Order, dated February, 2005.
- M. "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 such units.
- N. "Warranted" shall mean a determination by the County, or FDOT for state roads (unless the improvement is identified as a "local improvement", based on generally accepted transportation engineering practices that the Acceptable Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- O. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 4. LEGAL DESCRIPTION.

Legal description and sketch of the Project is attached as Exhibit 2.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect upon filing with the

PDMU-05-19(Z)(G) – Northwest Sector

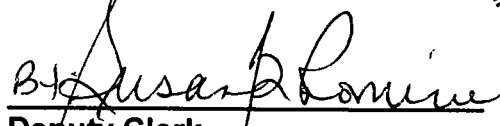
Department of State, State of Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 1st day of November 2007.

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

BY: 
Chairman

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


Deputy Clerk



PDMU-05-19(Z)(G) – Northwest Sector

EXHIBITS

Exhibit 1 – General Development Plan

Exhibit 2– Legal Description and Sketch

Exhibit 3 – Potential Center Ice Parkway Right-of-Way

Exhibit 4 – Photos

Exhibit "2"

LEGAL DESCRIPTION PARCEL 1 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; Thence N04°40'41"E, 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of 25°57'27", said curve having a radius of 2,060.00 feet and being subtended by a chord which bears N08°18'02"W, 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of 95°42'23", said curve having a radius of 50.00 feet and being subtended by a chord which bears N26°34'26"E, 74.14 feet; Thence N 74°25'37"E, 50.78 feet to a point of curvature; Thence 721.56 feet along the arc of said curve to the right through a central angle of 14°53'05", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N81°52'09"E, 719.53 feet; Thence N00°41'18"W, 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of 13°12'59", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears S84°04'49"E, 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of 41°16'07", said curve having a radius of 2,940.00 feet and being subtended by a chord which bears N81°53'37"E, 2,072.13 feet to a point of reverse curvature; Thence 805.71 feet along the arc of a curve to the right through a central angle of 16°32'46", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears N69°31'57"E, 802.91 feet; Thence S12°11'41"E, 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of 13°04'19", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N84°20'29"E, 632.31 feet; Thence S89°07'21"E, 354.65 feet to a point on the arc of a curve; Thence 36.14 feet along the arc of said curve to the right through a central angle of 41°24'35", said curve having a radius of 50.00 feet and being subtended by a chord which bears N70°10'21"E, 35.36 feet; Thence S89°07'21"E, 808.68 feet; Thence N00°52'39"E, 10.36 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of 02°29'11",

said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N88°44'06"E, 127.14 feet to the point of reverse curvature of said curve ; Thence 2,138.82 feet along the arc of said curve to the right through a central angle of 43°45'59", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears S770°37'30"E, 2,087.20 feet to the point of tangency of said curve ; Thence S48°44'31"E, 1,779.99 feet to a point of curvature; Thence 1,253.44 feet along the arc of said curve to the left through a central angle of 24°30'39", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears S60°59'50"E, 1,243.90 feet to the point of tangency of said curve; Thence S00°10'39"W, 111.78 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence S00°12'01"W, 1,321.71 feet; Thence S89°26'33"E, 601.98 feet; Thence S00°02'33"W, 660.46 feet; Thence S89°28'53"E, 735.80 feet; Thence S00°06'56"E, 659.98 feet; Thence N89°31'12"W, 1,343.23 feet; Thence S00°24'15"E, 1,319.40 feet; Thence S00°25'33"E, 1,253.39 feet; Thence N89°20'55"W, 129.12 feet; Thence N00°13'59"E, 756.06 feet; Thence N89°05'49"W, 353.71 feet; Thence S15°32'18"W, 181.54 feet; Thence S69°04'52"E, 191.91 feet; Thence S40°52'20"E, 174.58 feet; Thence S01°06'51"W, 127.77 feet; Thence S84°30'37"W, 241.82 feet; Thence S04°24'14"W, 231.83 feet; Thence N89°20'55"W, 644.47 feet; Thence N89°43'18"W, 1,128.10 feet; Thence N00°16'21"E, 195.76 feet; Thence N34°32'27"W, 127.88 feet; Thence N74°22'37"W, 27.04 feet; Thence N89°06'07"W, 130.35 feet; Thence N50°59'38"W, 52.87 feet; Thence N89°43'39"W, 67.72 feet; Thence S34°23'48"W, 150.71 feet; Thence N00°07'45"W, 1,045.68 feet; Thence N89°21'00"W, 672.60 feet; Thence S00°08'39"E, 1,267.67 feet; Thence N89°43'18"W, 66.35 feet; Thence N10°16'40"E, 140.44 feet; Thence N03°14'20"W, 121.92 feet; Thence N89°43'20"W, 265.15 feet; Thence N67°44'14"W, 65.42 feet; Thence N89°03'25"W, 74.89 feet; Thence South, 285.36 feet; Thence N89°43'18"W, 150.77 feet to a point of curvature; Thence 78.54 feet along the arc of said curve to the right through a central angle of 90°00'00", said curve having a radius of 50.00 feet and being subtended by a chord which bears N44°43'18"W, 70.71 feet to the point of tangency of said curve; Thence N00°16'42"E, 1,581.12 feet to a point of curvature; Thence 1,394.32 feet along the arc of said curve to the left through a central angle of 27°15'57", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N13°21'17"W, 1,381.21 feet to the point of tangency of said curve; Thence N26°59'15"W, 1,159.92 feet to a point of curvature; Thence 853.47 feet along the arc of said curve to the right through a central angle of 17°27'52", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N18°15'19"W, 850.17 feet to a point of reverse curvature; Thence 1,194.50 feet along the arc of a curve to the left through a central angle of 23°21'30", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N21°12'08"W, 1,186.24 feet to a point of reverse curvature; Thence 1,321.41 feet along the arc of a curve to the right through a central angle of 27°02'23", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N19°21'42"W, 1,309.18 feet to the POINT OF BEGINNING.

Containing 1479.6 acres, more or less.

TOGETHER WITH:

LEGAL DESCRIPTION PARCEL 2 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7 AND 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; thence along said east line of Lakewood Ranch Boulevard, N04°40'41"E, 1649.57 feet; Thence N85°19'19"W, 120.00 feet to an intersection with the west line of said Lakewood Ranch Boulevard and the POINT OF BEGINNING; Thence S86°50'17"W, 227.27 feet; Thence S40°02'37"W, 121.13 feet; Thence S28°36'43"W, 108.34 feet; Thence S43°57'34"W, 79.62 feet; Thence S56°46'06"W, 71.21 feet; Thence N22°59'39"W, 32.80 feet; Thence S59°56'00"W, 91.50 feet; Thence S54°50'36"W, 42.43 feet; Thence S21°03'16"W, 42.67 feet; Thence S64°33'59"W, 57.70 feet; Thence S78°35'00"W, 52.83 feet; Thence S26°29'07"W, 28.22 feet; Thence S72°42'09"W, 41.01 feet; Thence N88°04'14"W, 58.26 feet; Thence N63°20'21"W, 61.49 feet; Thence N77°09'41"W, 34.90 feet; Thence N87°11'33"W, 50.79 feet; Thence N88°21'13"W, 70.97 feet; Thence N59°06'15"W, 54.56 feet; Thence S87°08'17"W, 75.46 feet; Thence N27°44'24"E, 782.09 feet; Thence N08°14'34"E, 859.88 feet; Thence N04°53'06"W, 605.45 feet to a point on the arc of a curve; Thence 552.19 feet along the arc of said curve to the left through a central angle of 10°42'56", said curve having a radius of 2,952.50 feet and being subtended by a chord which bears N79°47'05"E, 551.38 feet to the point of tangency of said curve; Thence N74°25'37"E, 69.64 feet to a point of curvature; Thence 72.98 feet along the arc of said curve to the right through a central angle of 83°37'55", said curve having a radius of 50.00 feet and being subtended by a chord which bears S63°45'26"E, 66.67 feet to a point of compound curvature; Thence 901.48 feet along the arc of said curve to the right through a central angle of 26°37'27", said curve having a radius of 1,940.00 feet and being subtended by a chord which bears S08°38'03"E, 893.39 feet; Thence S04°40'41"W, 970.22 feet to the POINT OF BEGINNING.

Containing 39.281 acres (1,711,094 square feet), more or less.

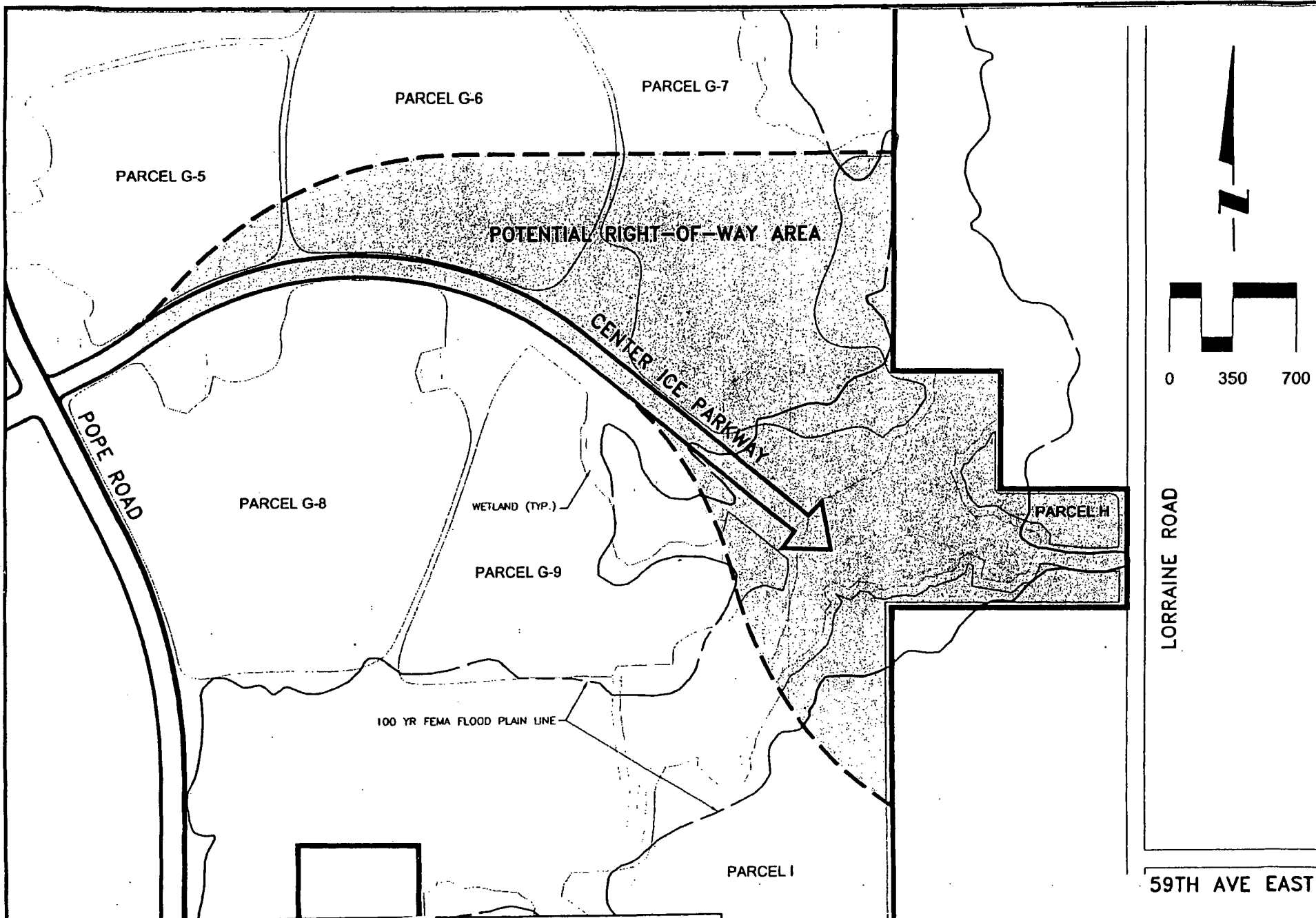


Exhibit "3"
Potential Center Ice Parkway Extension Right-of-Way
Northwest Sector DRI

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants
 WilsonMiller, Inc.

600 Professional Parkway East, Suite 100 • Newark, Oregon 97102-3441 • Phone 503-637-4900 • Fax 503-637-4999 • 503-637-4999@wilsonmiller.com



SMR
AGE TARGETED COMMUNITY
 VILLAGE CENTER CONCEPT 'B'



OCTOBER 2007

WilsonMillerDesign



Exhibit '4'



Exhibit '4'



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 7th day of
November, 2007

R.B. SHORE
Clerk of Circuit Court

By [Signature] d.c.



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

November 13, 2007

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

FILED FOR RECORD
R. B. SHORE

2007 NOV 20 AM 8:43

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 7, 2007 and certified copies of Manatee County Ordinance No. 07-68, PDR-06-09(Z)(P), PDMU-05-19(Z)(G), PDC-07-16(Z)(P), PDR-06-31(Z)(P) and PDR-05-77(Z)(P), which were filed in this office on November 9, 2007.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dils.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282