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MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

April 5, 2000

Certified Mail #P 368 650 262

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Schroeder-Manatee Ranch, Inc./Cypress Banks DRI

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 00-06, the amended Development Order for Cypress Banks, as adopted in open session by the Manatee County Board of County Commissioners on March 28, 2000, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/ks
Enclosure

RECEIVED
APR 07 2000
COMMUNITY PLANNING DEPARTMENT

ORDINANCE 00-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERCEDING ORDINANCE 99-25, WHICH REPLACED RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO REVISE THE LEGAL DESCRIPTION TO REFLECT THE ADDITION OF 374.1 ACRES, ADD TWO ADDITIONAL ACCESS POINTS TO STATE ROAD 70 TO SERVE THE APPROVED COMMERCIAL PARCELS LOCATED ON THE EAST AND WEST SIDES OF LORRAINE ROAD, INCREASE THE RESIDENTIAL ACREAGE BY 75.9 ACRES WITH NO ADDITIONAL DWELLING UNITS, INCREASE THE OPEN SPACE ACREAGE BY 250.2 ACRES, AMEND MAP H TO REFLECT THE CHANGES IN THE LEGAL DESCRIPTION, PROJECT BOUNDARIES, ADDITIONAL RESIDENTIAL AND OPEN SPACE ACREAGE, AND ADDITIONAL ACCESS POINTS, AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING AN EFFECTIVE DATE.

SECTION 1:

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as "Cypress Banks" or the "Development"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

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

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ± 0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, the Developer now requests that the Development Order for Cypress Banks be further amended to provide for a change to the legal description for the addition of approximately 374.1 acres, which includes an additional 75.9 acres of residential acreage with no additional dwelling units, 250.2 acres of open space, and 48 acres for right-of way and easements, add two access points onto State Road 70 to serve the approved commercial parcels located on the east and west side of Lorraine Road, amend Map H to reflect the new boundaries of the legal description, additional residential and open space acreage, and the 2 additional access points onto State Road 70; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the proposed changes to (1) add +374.1 acres to the DRI, (2) add two access points onto State Road 70 to serve the approved commercial parcels located on the east and west side of Lorraine Road, (3) add 75.9 acres of residential acreage with no additional dwelling units, (4) add 250.2 acres of open space, (5) add 48 acres for right-of-way and easements, (6) amend Map H to reflect the new boundaries of the legal description and the additional residential and open space acreage; are presumed to be a Substantial Deviation pursuant to Subsection 380.06 (19)(e)3., Florida Statutes. However, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs have no objection because these changes to the project will not result in additional regional impacts; and

WHEREAS, Manatee County finds that the two proposed additional access points to State Road 70 are an appropriate measure to reduce turning movement conflicts and are consistent with Comprehensive Plan Policy 5.2.2.5, if limited to right-in and right-out movements only, with a directional left turn median if fully permitted through the F.D.O.T;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 28th DAY OF MARCH, 2000 AS FOLLOWS:

SECTION 2. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission of Manatee County and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. WHEREAS clauses preceding this section are adopted as findings of fact.
- B. Schroeder Manatee Ranch, Inc. ,hereinafter referred to as the "Developer", previously submitted to Manatee County, Florida, an Application for Development Approval ("ADA") and Sufficiency Responses which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, and has also submitted the requested amendment identified as Ordinance 00-06. Hereinafter, the word "Application" shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 99-25 and the requested change Ordinance 00-06 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).
- C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.
- D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).
- E. The said Board of County Commissioners held a Public Hearing on March 28, 2000 regarding said proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at said Public Hearing.
- F. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of

Manatee County Ordinance No. 89-01 as amended, the Manatee County Comprehensive Plan.

- G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- H. The authorized agent for the Cypress Banks DRI is Rex Jensen, Vice President, Schroeder Manatee Ranch, Inc., 6215 Lorraine Road, Bradenton, Florida 34202.
- I. The owner of the property, which Schroeder Manatee Ranch, Inc. intends to develop, is Schroeder-Manatee Ranch, Inc., as well as individual lot owners within areas which have been platted. The new acreage (374.1 acres) is currently owned by Schroeder Manatee Ranch, Inc. (46.8 acres) and Manatee Fruit Company (327.3 acres). The Manatee Fruit Company property is currently under contract for purchase by Schroeder Manatee Ranch, Inc.
- J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA).
- K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220 and Ordinance 99-25 have been amended, replaced, and superceded in their entirety by this Ordinance.
- L. The proposed changes filed by Schroeder Manatee Ranch, Inc. on December 8, 1999, as approved, do not constitute a Substantial Deviation to the Cypress Banks DRI.

SECTION 3. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:
 - 1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.
 - 2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated March 20, 2000 and those of the Department of Community Affairs dated March 23, 2000, as conditioned herein.

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

- C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	+1,790.8	+2,164.9	+374.1
COMMERCIAL SQUARE FOOTAGE	203,500	0	0
RECREATIONAL (GOLF COURSES, PARKS, AND MAINTENANCE FACILITY)	+154.6	+182.4	+27.8
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	+663.2	+885.6	+222.4
NET RESIDENTIAL ACREAGE	+870.9	+946.8	+75.9
SINGLE FAMILY UNITS	4,923	4,923	0
MULTI-FAMILY UNITS	578	578	0

**EXISTING AND PROPOSED LAND USES FOR THE ADDITIONAL 374.1 ACRES
ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 00-06**

Based on Florida Land Use, Cover, and Form Classification System - Level III

		Existing		Proposed	
	Land Use	Acreage	% of Site	Acreage	% of Site
110-136	Residential	0	0	149.9	40.1
182	Golf Courses	0	0	68.7	18.3
194	Other Open Land	0	0	28.7	7.7
211	Improved Pastures	26.5	7.1	0	0
259/260	Other Open Land (Rural)	7.2	1.9	0	0
411	Pine Flatwoods	310.7	83.1	41.5	11.1
427	Live Oak	18.2	4.8	9.3	2.5
524	Lakes <10 Acres	0	0	31.8	8.5
617	Mixed Wetland Hardwoods	3.3	0.9	3.3	0.9
641	Freshwater Marsh	8.2	2.2	8.2	2.2
814	Roads	0	0	32.7	8.7
	<u>TOTAL</u>	<u>374.1</u>	<u>100</u>	<u>374.1</u>	<u>100</u>

SECTION 5. DEFINITIONS:

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

- A.(1)** "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.
- A.(2)** "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as "Map H" which is attached to this Ordinance as Exhibit "F" (revised 12/9/99) and which replaces the previous Map H (revised 3/15/99). Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).
- A.(3)** "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.
- A.(4)** "Developer*" shall mean the applicant, Schroeder Manatee Ranch, Inc., its heirs, successors and assigns or designated entity.
- A.(5)** "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.
- A.(6)** "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments

and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

- A.(7)** "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.
- A.(8)** "Master Development Plan*" shall be defined as Map H (revised 12/9/99) as set forth on "Exhibit F" hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 203,500 square foot shopping center, 5,501 residential units, and 182.4 acres for golf courses and parks.
- A.(9)** "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.
- A.(10)** "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site plan, or final site plan to be submitted for consideration of approval pursuant to the LDC.
- A.(11)** "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.
- A.(12)** "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to

time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

**TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)**

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

SECTION 6. CONDITIONS:

DEVELOPMENT CONDITIONS

- B.(1)** This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in "Exhibit D" (revised 4/27/99), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.
- B.(2)** Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.
- B.(3)** The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 00-06. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D" (revised 4/27/99). The Developer* shall complete or demonstrate substantial

progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in "Exhibit D" (revised 4/27/99), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. **(Completed for Phase 2.)** Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D" (revised 4/27/99).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed for Phase 1)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land

scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land Development Code, (Ordinance 90-01) as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

- C.(6) Pursuant to the Developer's* request that Relocated 301 improvements as originally noted in "Exhibit C", be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.
- C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median to discourage unsafe cross-traffic movements between these two commercial parcels.
- C.(8) The Cypress Banks DRI shall include an internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. This connector roadway shall not be Summerfield Parkway. The connector roadway shall be the connector roadway shown on the Phasing Plan/Revised Master Development Plan (revised March, 1999) entered in to the record for this case with Ordinance 99-25. The applicant shall submit a revised Map H which includes the east-west connector roadway prior to any Preliminary Site Plan or Preliminary Plat approvals following adoption of Ordinance 99-25 **(Completed)**
- C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2), 335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

- D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Management Department (EMD) (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Management Department (EMD) or their successors) **(Completed)**.

Construction monitoring shall be initiated at the beginning of construction **(Completed)** and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 374.1 acre parcel added to the DRI with Ordinance 00-06, prior to commencement of any construction on this parcel. The County's Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

- D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC's) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed for Phase 1)**.
- D.(3) In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will

be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.).

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities.

A mesic hammock (9.3 acres) as shown on revised Map H dated 12/9/99, shall be preserved as habitat for the Sherman's Fox Squirrel.

- D.(4)** All wetlands within the site are considered "jurisdictional" and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted.
- D.(5)** The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 3/21/2000), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption.
- D.(6)** Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.
- D.(7)** A single specimen Simpson zephyr-lily (*Zephyranthes simpsonii*) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

- D.(8)** Where feasible, the Developer* shall utilize multi-story structures on non single-family residences to save natural land cover and reduce the amount of impervious surface.
- D.(9)** Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.
- D.(10)** No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.
- D.(11)** Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.
- D.(12)** There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.
- D.(13)** Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).
- D.(14)** All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

DRAINAGE

- E.(1)** Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of

the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

- E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County **(Completed)**.
- E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.
- E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **(Completed for Phase I)**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning and Environmental Management Department (EMD) (or their successor) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

- a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;
- b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-3, FAC;
- c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)
- d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department

(EMD) (or their successor) prior to commencement of development and issuance of permits;

- e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and
- f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

- a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and
- b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

- a. "Watt-wise Construction" with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;
- b. Cross-ventilation;
- c. Window orientation for the most efficient heating and cooling systems;
- d. Solar heating and cooling systems; and
- e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit "A" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

- a. Preserve existing trees as buffers between adjacent developed areas;
- b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;
- b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;
- c. Wet wells to contain sewage line surcharges/overflows;
- d. Emergency bypass pumpouts for tank trucks; and
- e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

- H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.
- H.(13) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I **(Completed for Phase 1)**.
- H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.
- H.(15) Schroeder Manatee Ranch, Inc., its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22, 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:
- (a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;
 - (b) A summary comparison of development activity proposed and actually conducted for the year;
 - (c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

- (d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;
- (e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.
- (f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- (h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
- (i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and
- (j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, "significant development" shall be the actual construction of site

improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2014.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.
(Completed)

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;
3. Specific mechanisms for HAIP implementation;
4. Provisions to ensure continued adequacy of units provided;
5. Monitoring provisions;
6. Location and placement of adequate housing units; and
7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or
9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)
2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of

construction and final grading, disturbed areas will be seeded, sodded, or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (ADA, pgs. 19 and 21)
2. The following wind, water and soil erosion abatement methods will be followed:
 - preserve existing trees as buffers between adjacent developed areas.
 - control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
 - control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
 - sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
 - preserve natural land cover by selective clearing of the site.
 - utilize water spray trucks in heavy construction traffic areas.
 - design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
 - preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (ADA, pp. 21-22).

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-3 and Rule 62-4.242 (ADA, pg. 42) **[Completed for Phase I]**.
2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-

Floodplains

1. The main Zephyr lily and brown ladies' tresses, two state listed plant species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)
2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).
3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).
2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)
2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)
4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)
5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.
6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)
7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)
2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.
3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)
5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

A parcel of land lying within a portion of Sections 17, 20, 21, 22, 27, 28 and 29, Township 35 South, Range 19 East, Manatee County, Florida and more particularly described as follows:

BEGIN at the Northwest corner of said Section 20, said Section corner also being the common corner of Sections 17, 18 and 19; thence N00°35'47"E along the Westerly line of said Section 17, a distance of 140.67 feet to a point on the Southerly Right-of-way of State Road 70; (the following 6 calls are along said Southerly Right-of-way of State Road 70), thence S70°24'24"E, a distance of 373.46 feet to the point of curvature of a curve to the left, having a radius of 2,041.86 feet and a central angle of 18°21'30"; thence along the arc of said curve in a Southeasterly direction, an arc length of 654.24 feet to the point of tangency of said curve; thence S88°45'54"E, a distance of 4,362.42 feet; thence S89°41'54"E, a distance of 1,575.96 feet; thence S89°42'03"E, a distance of 2,821.50 feet; thence S89°19'57"E, a distance of 3,193.08 feet; thence S00°39'03"W, a distance of 898.94 feet; thence N89°20'57"W, a distance of 867.82" feet; thence S00°24'05"W, a distance of 267.14 feet to the point of curvature of a curve to the right, having a radius of 2,735.00 feet and a central angle of 31°55'30"; thence along the arc of said curve in a Southwesterly direction, on arc length of 1,523.93 feet to the point of tangency of said curve; thence S32°19'35"W, a distance of 790.03 feet to the point of curvature of a curve to the left, having a radius of 2,380.00 feet and a central angle of 31°49'15"; thence along the arc of said curve in a Southwesterly direction, an arc length of 1,599.49 feet to the point of tangency of said curve; thence S00°30'20"W, a distance of 355.33 feet; thence S00°51'26"W along a line 120 feet Easterly of and parallel with the Westerly line of said Section 27, a distance of 5,313.46 feet to a point on the Southerly line of said Section 27; thence S89°57' 56"W along the Southerly line of said Section 27, a distance of 120.01 feet to the Southeast corner of said Section 28; thence

N89'30'25"W along the South line of said Section 28, a distance of 2,662.03 feet to the South 1/4 corner of said Section 28; thence NOO'45'47"E along the West line of the East 1/2 of said Section 28, a distance of 2,236.77 feet; thence N89'31'24"W along a line 3,077.34 feet Southerly of and parallel with the North line of said Section 28, a distance of 2,665.72 feet to a point on the Easterly line of said Section 29; thence NOO'40'06"E along the East line of said Section 29, a distance of 1,749.02 feet to the East 1/4 corner of the Northeast 1/4 of Section 29; thence N89'29'29"W along the South line of the North 1/2 of the Northeast 1/4 of Section 29, a distance of 2,679.05 feet to the West 1/4 corner of the Northeast 1/4 of said Section 29; thence SOO'32'07"W along the West line of said Northeast 1/4 of said Section 29, a distance of 1,327.72 feet to the center of said Section 29; thence N89'30'30"W along the South line of the Northwest 1/4 of said Section 29, a distance of 1,455.36 feet; thence SOO'29'12"W, a distance of 46.03 feet; thence N89'30'48"W, a distance of 469.78 feet; thence N61'13'53"W, a distance of 51.46 feet; thence S85'03'09"W, a distance of 131.05 feet; thence S33'11'55"W, a distance of 59.75 feet; thence N46'13'24"W, a distance of 141.12 feet to a point on a curve of which the radius point lies N46'13'24"W, a radial distance of 295.00 feet; thence along the arc of said curve in a Southwesterly direction, passing through a central of 15'08'35", an arc length of 77.97 feet to the end of said curve; thence N61'21'58"W along a line not tangent to the last described curve, a distance of 186.33 feet; thence S26'03'03"W, a distance of 41.15 feet; thence N89'30'30"W, a distance of 212.08 feet to a point on the West line of said Section 29; thence NOO'23'24"E along the west line of said Section 29, a distance of 2,656.56 feet to the Southwest corner of said Section 20; thence NOO'35'53"E along the West line of said Section 20, a distance of 5,300.74 feet to the POINT OF BEGINNING. Parcel contains 2,164.9 acres more or less, which includes the addition of the new acreage (+374.1 acres) described independently below:

A parcel of land lying within a portion of Sections 22, 27 and 28, Township 35 South, Range 19 East, Manatee County, Florida and more particularly described as follows:

BEGIN at the Southeast corner of said Section 28; thence N 89'30'25"W along the South line of said Section 23, a distance of 2,662.03 feet to the South 1/4 corner of said Section 28; thence NOO'45'47"E along the West line of the East 1/2 of said Section 28, a distance of 5,314.15 feet to the North 1/4 corner of said Section 28; thence S 89'31'24"E along the North line of said Section 28, a distance of 2,670.80 feet to the Northeast corner of said Section 28, also being the common corner of Sections 21, 22 and 27; thence S 89'29'42"E along the South line of said Section 22, a distance of 100.00 feet; thence NOO'30'20"E, a distance of 2,397.34 feet to the point of curvature of a curve to the right, having a radius of 950.00 feet and a central angle of 68'46'17"; thence along the arc of said curve in a Northeasterly direction, on arc length of 1,140.27 feet to the point of reverse curvature of a curve to the left, having a radius of 1,050.00 feet and a central angle of 68'37'34"; thence along the arc of said curve in a Northeasterly direction, an arc length of 1,257.64 feet to the end of said curve-, thence S 89 degrees 20'57"E along a line not tangent to the last described curve, a distance of 4.18 feet; thence S 00'24'05"W, a distance of 267.14 feet to the point of curvature of a curve to the right, having a radius of 2,735.00 feet and a central angle of 31'55'30"; thence along the arc of said

curve in a Southwesterly direction, an arc length of 1,523.93 feet to the point of tangency of said curve; thence S 32°19'35"W, a distance of 790.03 feet to the point of curvature of a curve to the left, having a radius of 2,880.00 feet and a central angle of 31°49'15"; thence along the arc of said curve in a Southwesterly direction, an arc length of 1,599.49 feet to the point of tangency of said curve; thence S00°30'20"W, a distance of 355.33 feet; thence S00°51'26"W to a point on the Southerly line of said Section 27, a distance of 5,313.46 feet; thence S89°57'56"W along the Southerly line of said Section 27, a distance of 120.01 feet to the POINT OF BEGINNING.

Parcel contains 374.1 acres more or less.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the condition underlying the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

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

SECTION 11. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES:

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

SECTION 13. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING:

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

SECTION 15. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 99-25 during the pendency of any appeal.

SECTION 16. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:


Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, R-95-220 and Ordinance 99-25 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this 28th day of March, 2000.

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

By: Stan Stephens
Chairman

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

 Susan B. Tomine

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 6 day of April, 2000
R.B. SHORE
Clerk of Circuit Court
By: Jane Cook D.C.

Ordinance 00-06 - Schroeder-Manatee, Inc. (Cypress Banks)

**EXHIBITS A, B, C, & E ARE NOT ATTACHED BUT ARE ON FILE
WITH THE CLERK OF THE CIRCUIT COURT.**

EXHIBIT D

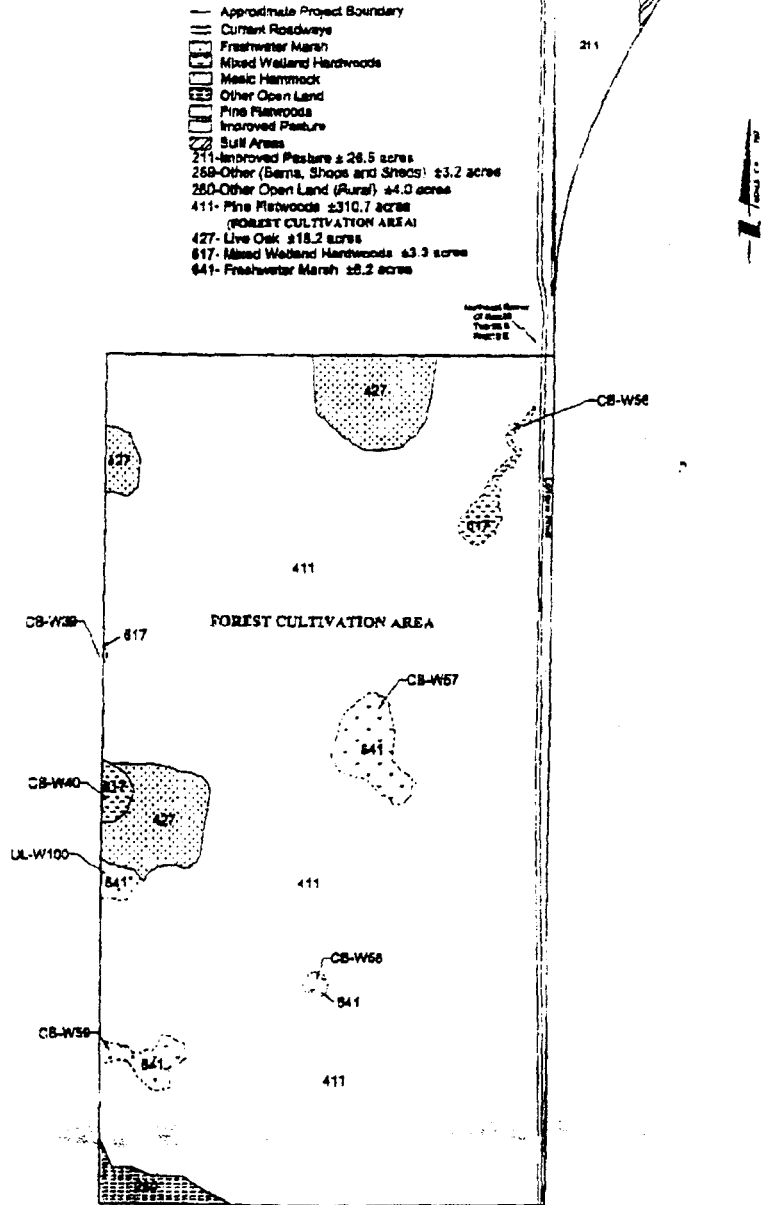
**CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE**

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999*** - 2005)	203,500 s.f. (Community Shopping)	Second Golf Course	1,405
III (August 7, 2005 - 2010)			1,406
IV (August 7, 2010 - 2014)			1,285
TOTAL	203,500 s.f.		5,501

** The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer's compliance with Stipulation B(4), which authorizes commencement of Phase 2 in advance of the Schedule established in this Exhibit.

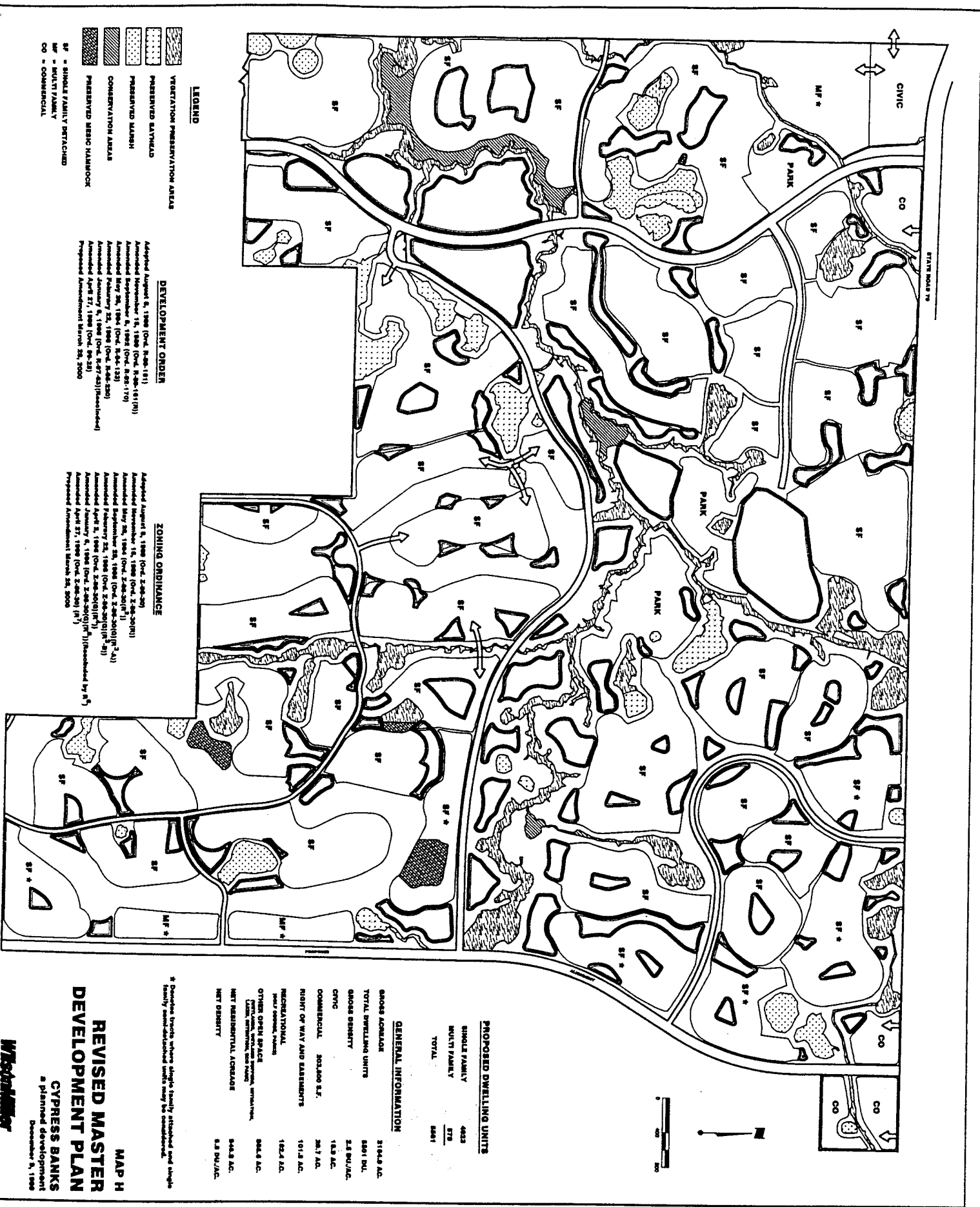
Attachment to Exhibit E
3-21-2000



Cypress Banks
NOPC Additional Lands
January, 2000

Map F Vegetation Associations

Environmental Affairs Consultants, Inc.
P.O. Box 337
Palmetto, Florida 34220
Office: (941) 722-0367
Fax: (841) 722-2948



- LEGEND**
- VEGETATION PRESERVATION AREAS
 - PRESERVED BAYWALD
 - PRESERVED MARSH
 - CONSERVATION AREAS
 - PRESERVED MARSH
 - SF = SINGLE FAMILY DETACHED
 - MF = MULTI FAMILY
 - CO = COMMERCIAL

- DEVELOPMENT ORDER**
- Adopted August 5, 1988 (Ord. 184-181)
 - Amended September 18, 1988 (Ord. 184-181(R))
 - Amended September 5, 1988 (Ord. 184-179)
 - Amended May 26, 1984 (Ord. 84-133)
 - Amended February 25, 1983 (Ord. 83-230)
 - Amended January 5, 1982 (Ord. 82-230)
 - Amended April 5, 1980 (Ord. 80-23)
 - Proposed Amendment March 25, 2000

- ZONING ORDINANCE**
- Adopted August 5, 1988 (Ord. 230-23)
 - Amended September 18, 1988 (Ord. 230-23(R))
 - Amended September 5, 1988 (Ord. 230-23(R))
 - Amended May 26, 1984 (Ord. 230-23(R))
 - Amended February 25, 1983 (Ord. 230-23(R))
 - Amended January 5, 1982 (Ord. 230-23(R))
 - Amended April 5, 1980 (Ord. 230-23(R))
 - Proposed Amendment March 25, 2000

PROPOSED DWELLING UNITS

SINGLE FAMILY	4623
MULTI FAMILY	572
TOTAL	5195

GENERAL INFORMATION

SHORE LOT/BLVD	2104.9 AC.
TOTAL DWELLING UNITS	5195
SHORE DENSITY	2.42 UNITS/AC.
CIVIC	1.83 AC.
COMMERCIAL	26.7 AC.
RIGHT OF WAY AND EASEMENTS	101.2 AC.
RECREATIONAL	182.4 AC.
OTHER OPEN SPACE	984.2 AC.
NET RESIDENTIAL ALLOWABLE	944.8 AC.
NET DENSITY	1.82 UNITS/AC.

* Districts which were single family attached and single family non-detached units may be considered.

MAP H
REVISED MASTER DEVELOPMENT PLAN
 CYPRESS BANKS
 a planned development
 December 5, 1988

