

MANATEE COUNTY ORDINANCE NO. Z-86-30(R)
AMENDING NO. Z-86-30
SCHROEDER MANATEE, INC. (CYPRESS BANKS)

MANATEE COUNTY
CLERK OF COURTS
OFFICE - 1112 5th
S.W.
TALLAHASSEE, FLORIDA
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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING AN APPROVED ZONING ORDINANCE (Z-86-30) RELATING TO PROPERTY WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 81-4, the Manatee County Comprehensive Zoning and Land Development Code, and finding Revised Z-86-30(R) consistent with Manatee County Ordinance No. 89-1, The Manatee County Comprehensive Plan, Revised Manatee County Ordinance No. Z-86-30(R) is hereby APPROVED to amend Definitions A.(1) and A.(5); amend stipulations #35 and #36; revise Exhibit C as is attached hereto; and to allow approximately 5,622 dwelling units at a density of 3.19 du/acre, a 300 room hotel and 230,500 square feet of commercial space with the following stipulations:

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

Section 1. FINDINGS OF FACT The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of an approved Zoning Ordinance, the recommendation and findings of the Planning Commission of said County as well as all other matters presented to said Board at the Public Hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amended Zoning Ordinance as it relates to the real property described in Section 4 of this amended ordinance which is requested to settle administrative challenges to the existing development order by DCA and TBRPC.

B. The said Board of County Commissioners on August 8, 1989 approved Manatee County Zoning Ordinance Z-86-30 with the Conceptual Development Plan and Conditions.

C. The said Board of County Commissioners held a public hearing on November 16, 1989 to consider amending Manatee County Zoning Ordinance Z-86-30 to address concerns of TBRPC and DCA regarding transportation impact mitigation.

D. The proposed amendment to the Zoning Ordinance regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 THE MANATEE COUNTY COMPREHENSIVE PLAN.

Section 2. The Conceptual Development Plan Conditions of Approval set forth in Manatee County Zoning Ordinance Z-86-30 titled Cypress Banks, are hereby AMENDED to read as follows:

A. DEFINITIONS

Note: An asterisk (*) indicates 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. Stipulation #A.(1) of the Rezone Ordinance approval shall be amended to read in entirety as follows:

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- A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the DRI application and shown as "Map H" of the Cypress Banks Master Development Plan. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a Conceptual 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, SMR-1 Development Corporation, his heirs 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) "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.(7) "Master Development Plan*" shall be defined as Map H incorporated as "Exhibit F" and made a part hereof. This Plan depicts the development described in the ADA and as revised, includes the following land uses: 203,500 square foot shopping center, with 27,000 square feet of accessory commercial space, 5,622 residential units, 300 hotel rooms, an equestrian center, and three 18-hole golf courses.
- A.(8) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Development Plan for a Phase or subphase as defined in The Manatee County Comprehensive Zoning and Land Development Code (LDC) for a Phase or Sub-Phase.
- A.(9) "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site development plan, or final site development plan to be submitted for consideration of approval pursuant to the LDC.
- A.(10) "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.(11) "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.(12) "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.(13) "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.

B. STIPULATIONS

1. The Applicant shall have the option at the time of submittal of the first application for PDP approval of seeking approval through a Master Development Plan* (MDP) Process. The MDP process is set forth below:

a. The applicant shall submit a Preliminary Master Development Plan* for the entire project within twenty-four months of the approval of this Zoning Ordinance unless an extension is granted. The failure on the part of the Developer* to meet this requirement shall automatically terminate the approval of the Board of County Commissioners, and the Board of County Commissioners shall rezone the property to its prior zoning classification pursuant to Section 407, Amendments. The prescribed time limit for the submission and approval of a Preliminary Development Plan* may be extended once for a one (1) year period by the Board of County Commissioners, for good cause.

The Preliminary Master Development Plan* shall include: (1) a depiction of all major Horizontal* improvements for the project (i.e., major roadways and trunk lines for water and sewer); (2) the Master Drainage Plan for the project; and (3) the design standards which will control development of individual tracts throughout the project. Approval of the Preliminary Master Development Plan* will authorize the submittal of a Final Master Development Plan.*

b. A Final Master Development Plan* shall be submitted for approval with construction drawings for the major Horizontal* improvements depicted on the Preliminary Master Development Plan* following the procedures for construction drawing approval established by Section 205B.7.d.(2) of The Manatee County Zoning and Land Development Code and in accordance with the following provisions:

1) Following the approval of the Final Master Development Plan* by the Board of County Commissioners, the Developer* shall be authorized to apply for other necessary permits to proceed with the construction of the major Horizontal* improvements depicted on the Final Master Development Plan.*

2) Failure to comply with the requirements of the approved Final Master Development Plan* and any conditions imposed in its final approval, including time conditions, shall constitute a violation of this Ordinance. Upon finding by the Board of County Commissioners that the Developer* has failed to comply with the conditions of any included staging plans or prescribed time limits, the approval of the Final Master Development Plan* shall be automatically terminated. Prior to continuing with the Planned Development, the Developer* shall reapply to the Board of County Commissioners for approval to continue. The Board of County Commissioners may authorize the petitioner to continue under the terms of the

Final Master Development Plan* approval or may require that the Developer* re-submit the application in conformance with any step outlined in the procedure for Preliminary or Final Master Development Plan* approval. No subsequent plan of re-approval shall effect an increase in the overall project density as set by the original Conceptual Master Development Plan* approval.

3) Prior to submittal of Preliminary Development Plans* pursuant to Section 205B., The Land Development Code, the Director shall certify that all of the requirements of the Final Master Development Plan* have been complied with for that portion of the Planned Development project for which approval of use or occupancy is being requested.

4) In the event that all the required public improvements have not been completed, the Developer* may post security guaranteeing the completion of such improvements in accordance with the requirements of Section 205G, Installation of Required Improvements.

In the event the approved Final Master Development Plan* contains a staging or sub-phasing plan, the required public improvements shall be those that are required for construction of the first stage or sub-phase.

c. Preliminary Development Plans* and Final Development Plans* as specified in The Manatee County Comprehensive Zoning and Land Development Code shall be required of any entity seeking authorization for Vertical Development* in Cypress Banks. The first Preliminary Development Plan* shall be submitted within twenty-four (24) months of approval of the Final Master Development Plan.*

2. 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 Division and the Planning and Zoning Departments that the Traffic Study* for that phase, as defined in "Exhibit D", 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 areas except as provided for in Paragraph 35. However, nothing set forth in this ordinance shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes. As stated below, the Developer* may, at his 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.

3. 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 submittal.

4. The maximum number of residential units shall be limited to 5,622 and the maximum overall density shall not exceed 3.19 dwelling units per acre. With each Preliminary Development Plan* submitted, the Residential Land Use Summary shall be revised to include all units previously constructed and to

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project more accurately the number of units remaining to be constructed in each development area.

ENVIRONMENTAL CONDITIONS

5. A surface water quality and monitoring program and any amendment thereto shall be approved by the Manatee County Pollution Control Department (MCPCD) and Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Pollution Control Department (MCPCD). Construction monitoring shall be initiated at the beginning of construction 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/DER Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course and equestrian areas. Should the monitoring indicate that applicable state water quality standards are not being met as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected, or if specific construction can be identified as causing the violation, all such activity responsible for exceeding the regulated limits 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 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 17-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Regulations (FDER).

The monitoring station location, sampling frequency, and reporting schedule shall be approved by the Manatee County Pollution Control Department (MCPCD) and submitted to Florida Department of Environmental Regulations (FDER). The County's Pollution Control Department 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*.

6. 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's (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.
7. 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 Game and Fresh Water Fish Commission. Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; these gopher tortoises and comensals which are outside of the preservation area will be relocated after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission (FGFWFC).
8. 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 Comprehensive Plan.
9. The development shall adhere to the provisions of the Manatee County Comprehensive Zoning and Land Development Code (LDC), particularly Section 205F.1, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D and F in the ADA) designated as forest cultivation areas at the time of Conceptual Plan Approval.
 10. 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.
 11. 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 the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site.
 12. Where feasible, the Developer* shall utilize multi-story structures to save natural land cover and reduce the amount of impervious surface.
 13. Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and watering requirements.
 14. No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Regulation (DER), Southwest Florida Water Management District (SWFWMD) and/or the Army Corps of Engineers and in accordance with the Comprehensive Plan.
 15. Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.
 16. There shall be a fifty foot (50') buffer zone established adjacent to post-development jurisdictional wetlands. All building setbacks shall be measured from the buffer zone. All buffers and included wetlands shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on the Preliminary* and Final Development Plans and Subdivision Plats. The location of said easement shall be physically identified on site where property lines cross the easement. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation in the conservation easement. Any replanting within the buffer shall be with flora native to Manatee County.
 17. Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Regulations (DER).
 18. All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Comprehensive Plan as amended.

DRAINAGE

19. Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty (50) percent of the treatment criteria specified in Rule 17-25.035(1)(b) or Rule 17-25.04 or Rule 17-25.042 F.A.C.
 20. 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 assure 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.
 21. Existing net water flow (groundwater and surface water) contribution from the site to the Braden River Watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two years from the date of issuance of this Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Pollution Control Department 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's Pollution Control Department 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 which 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. (Manatee County Planning and Zoning Department and CDM).
 22. 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. 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 warranty, 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.
23. Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or Special District if established by the County 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 Special District for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

24. 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.
25. Prior to the issuance of any relevant construction permits of 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 DER and TBRPC for review and to SWFWMD and Manatee County's Planning and Zoning and Pollution Control Departments for approval.
26. 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 17-25.035(1)(b) FAC, and SWFWMD Rule 40D-4;
 - b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 17-3, 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 includes and addresses the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Pollution Control Department 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 flow through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.
27. 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.
28. 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) reflecting seasonal variations, and seek to enhance where feasible water quality contributions to the Braden River.
29. Stormwater discharge, either direct or indirect, shall not cause a receiving waterbody (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 waterbody 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 Department of Pollution Control that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

30. 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 (FS).
31. 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

32. 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.

TRANSPORTATION CONDITIONS

33. 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 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 35 and 37.
34. Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Comprehensive Zoning and Land Development Code (LDC). Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the 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 the Tampa Bay Regional Planning Council (TBRPC) or Manatee County) or greater than the service volume of any roadway segment or intersection in the Transportation Impact Area* and

generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology consistent with and generally acceptable to the County Transportation Authority, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation and Planning and Zoning Departments that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide an updated traffic study at a minimum of five (5) year intervals coinciding with the Phase schedule provided in "Exhibit D".

35. Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of one of the following:
- a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR
 - b. For Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:
 1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for Phase I 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 5.1.6.2 of the Manatee County Comprehensive Plan; OR
 2. The Developer* may elect, at the time of Phase I preliminary development plan submittal, to mitigate the transportation impacts of Phase I of the project through the payment to Manatee County of its proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology as \$913,469.00 or the projected impact fees for the Transportation component for the entire first phase, whichever is greater. If the proportionate share is greater, it shall be adjusted annually based on Florida Construction Index until paid.

Manatee County shall utilize the Developer's payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75 which area is identified in Exhibit "C" of the Development Order. The improvements constructed shall be at a cost equal to or greater than the Developer's proportionate share as adjusted. The timing of commencement of construction and completion of construction shall be identified prior to or with the approval of the Preliminary Development Plan and the TBRPC and the DCA shall be notified of such schedule, provided that the improvements shall be completed by the buildout date of Phase I, or within five years of approval of the preliminary development plan for Phase I, whichever is earlier.

Any payments due shall be paid in cash or by certified check under this subparagraph 35.b.2 and shall be paid on or before the earlier of the following:

- (i) at the time of the application for the first building permit for any structure within the Phase: OR
- (ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph 35.b.2.

If payment has not been made previously, on or before the approval by the County of the Final Development Plan for Phase I or any subphase therein, Developer shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the project(s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County Ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c. For all development after Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:
 1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out 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 with 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 5.1.6.2 of the Manatee County Comprehensive Plan; OR
2. For all development after Phase I, the Developer shall comply with 35.a or 35.c.1, or 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.
- d. Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under this Subparagraph 35.b.2, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to 35.b.2.i and 35.b.2.ii, above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer has posted a Letter of Credit, and no payment has been paid pursuant to Paragraph C.(3).b.2.i or C.(3).b.2.ii above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3).b.2 above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.
- e. In the event that Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements of either subparagraphs C.(3).a. or C.(3).b.1 of stipulation 35 are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).
- In the event the Developer* fails to pay his proportionate share as defined in subparagraph C.(3).b.2. in the time and manner set forth therein, the option to Developer* under subparagraph C.(3).b.2. shall terminate.
36. Any payments provided by the Developer* to the County under stipulation 35 above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, 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 Manatee County Ordinance 86-09.

37. If the Traffic Studies* required in paragraph 34 above show that Acceptable Levels of Service* are not being maintained on the roadway segment or if funding as set forth in 35 above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth in 35 above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained which will assure 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.
38. Pursuant to the Developers* 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 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. (Manatee County Department of Public Works/Transportation Division).
39. The Developer* shall submit a Preliminary Development Plan* or Preliminary Master Development Plan* for the development within twenty-four (24) months of Development Order approval. 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* at five (5) year increments coinciding with the Phasing time schedule shown in "Exhibit D". 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 34 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 and Zoning after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or would be 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 35, above.

40. In the event a Preliminary Development Plan* for Phase II, III or IV is submitted more than one (1) year in advance of the schedule established in "Exhibit D" the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. 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".

41. A geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the first 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 footage, land areas, and densities, and intensities for each residential Sub-Phase.
42. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

GENERAL CONDITIONS

43. The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in "Composite Exhibit F" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.
44. 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;
 - c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;
 - d. Preserve natural land cover by selective clearing of site (e.g. limit clearing of lake excavation areas and road right-of-way in a typical subdivision);
 - e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;
 - f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;
 - g. Design swales, ditches and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and
 - h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.
45. The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.
46. The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all

- appropriate permits for construction and operation. No septic system shall be permitted within the development.
47. No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.
 48. Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:
 - a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;
 - c. Wet wells to contain sewage line surcharges/overflows.
 - d. Emergency bypass pumpouts for tank trucks; and
 - e. 100 percent redundancy in lift station pumping equipment.
 49. The Developer*, shall maintain all water lines and fire hydrants not dedicated to the County.
 50. The Developer*, shall make its fair share contribution for school sites in the southeast county area. To meet this contribution, prior to Final Development Plan approval for residential units of Phase I and in no event no 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 as adjoining ten (10) acres at fair market value or offer an acceptable school impact 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).
 51. 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.
 52. The Developer*, shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.
 53. The Developer*, shall be required to maintain all common open space areas within the project, including the site reservoir.
 54. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, constructing 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 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.

55. 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.
56. SMR Development Corporation, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order 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 and Zoning Department 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 which 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.

57. The stipulations set forth in the Development Order as approved by Resolution R-89-161 are included herein by reference.
58. Bridges crossing the Braden River or its tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Regulation.
59. The runoff from the surface of any bridge or structure crossing the Braden River or its tributaries shall be captured and treated to meet the water quality standards as specified in The Manatee County Comprehensive Plan, Ordinance 89-01.
60. To prove "no negative effect" on water quality in the Future Land Use Categories in the Manatee County Comprehensive Plan, Ordinance 89-01, found within the projects boundaries, the Developer* must show that stormwater management structures/practices conform to Outstanding Florida Water (OFW) regulations (provide 150% of the treatment required by Chapter 17-25, Florida Administrative Code). Designs for these stormwater management structures must be incorporated in Southwest Florida Management District (SWFWMD) surface water management permits, and proof of permit must be provided prior to final plan approval..
61. The Shopping Center and the Southeast quadrant of the intersection of Lorraine Road and S.R. 70 shall be designed to be oriented for the residents of this Development. This shall be accomplished through building orientation, signage control, access and buffering and shall be reviewed at time of Preliminary Development Plan*.
62. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Freshwater Fish Commission, 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.
63. In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to the 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 a substantial need for adequate housing that is not being provided by other residential development proximate to the development of 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 Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

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 3. Exhibit "C" of Ordinance No. Z-89-30 is amended to read in its entirety as shown in Exhibit "C" attached.

Section 4. Legal Description:

That part of Section 17, Twp. 35 S., Rge 19 E., lying south of State Road No. 70.

ALSO:

That part of Section 20, Twp. 35 S., Rge 19 E, lying south of State Road No. 70.

ALSO:

That part of Section 21, Twp 35 S., Rge 19 E., lying south of State Road No. 70.

ALSO:

That part of Section 22, Twp. 35 S., Rge 19 E., described as follows:

Begin at the southwest corner of said Section 22; thence S 89°29'58" E., along the south line of said Section 22, 100.00 ft., thence N 00°30'04" E., parallel with the west line of said Section 22 and 100.00 ft., easterly therefrom. A distance of 2,397.34 ft., the P.C. of a curve, concave to the southeast having a radius of 950.00 ft.; thence run northeasterly. Along the arc of said curve, through a central angle of 68°46'17", a distance of 1,140.27 ft., to the PRC of a curve, concave to the northwest having a radius of 1,050.00 ft.; thence run northeasterly along the arc of said curve, through a central angle of 68°37'34", a distance of 1,257.64 ft.; thence S. 89°21'12" E., parallel with the south R/W of State Road No.70, and 900.00 ft. southerly therefrom, a distance of 872.00 ft., thence N. 00°38'48" E., perpendicular with said south R/W, 900.00 ft. to the intersection with the south R/W of said State Road No. 70, thence N 89°21'12" W., along said south R/W; 2,250.12 ft. to the intersection with the west line of said Section 22; thence S 00°30'04" W, along said west section line, 5,162.33 ft. to the P.O.B.

ALSO:

The north 3,077.34 ft. of the west 1/2 of Section 28, Twp. 35 S., Rge 19 E.

ALSO:

The NW 1/4 and the north 1/2 of the NE 1/4 of Section 29, Twp. 35 S., Rge 19 E.

Less the following described land:

Commence at the northeast corner of Section 20, Twp. 35 S., Rge 19 E., also being the northwest corner of Section 21, Twp. 35 S., Rge 19 E; thence S. 00°05'32" W. along the common line between Section 20 and 21, 1,010.00 ft. for a P.O.B.; thence S 66°05'32" W, 280.00 ft.; thence S 23°54'28" E, 628.89 ft. to the intersection with said common line between Section 20 and 21; thence S 00°05'32" W, along said common section line, 450.00 ft.; thence S 64°54'28" E, 580.00 ft.; thence N 25°05'32" E, 917.59 ft.; thence N 23°54'28" W, 875.72 ft.; thence S 66°05'32" W, 610.00 ft. to the P.O.B, being and lying in Section 20 and 21, Twp. 35 S., Rge 19 E., Manatee County Florida. Containing 1,762.80 acres more or less.

ALSO:

P.D.G.

DESCRIPTION: CYPRESS BANKS PROPOSED:

Commence at the northeast corner of Section 20, Twp. 35 S., Rge 19 E., also being the northwest corner of Section 21, Twp 35 S., Rge 19 E.; thence S 00°05'32" W, along the common line between Section 20 and 21, 1,010.00 ft., for a P.O.B.; thence S 66°05'32" W, 280.00 ft.; thence S 23°54'28" E 628.89 ft. to the intersection with said common line between Section 20 and 21; thence S 00°05'32" W, along said common section line, 450.00 ft.; thence S 64°54'28" E, 580.00 ft.; thence N 25°05'32" E, 917.59 ft.; thence N 23°54'28" W, 875.72 ft.; thence S 66°05'32" W, 610.00 ft. to the P.O.B., being and lying in Section 20 and 21, Twp 35 S, Rge 19 E., Manatee County, Florida. Containing 26.20 acres more or less.

All of the above being and lying in Township 35 South, Range 19 East, manatee County, Florida. Containing 1,790 acres more or less.

Section 5. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

Section 6. EFFECTIVE DATE This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 16th day of November 1989.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass
Chairman

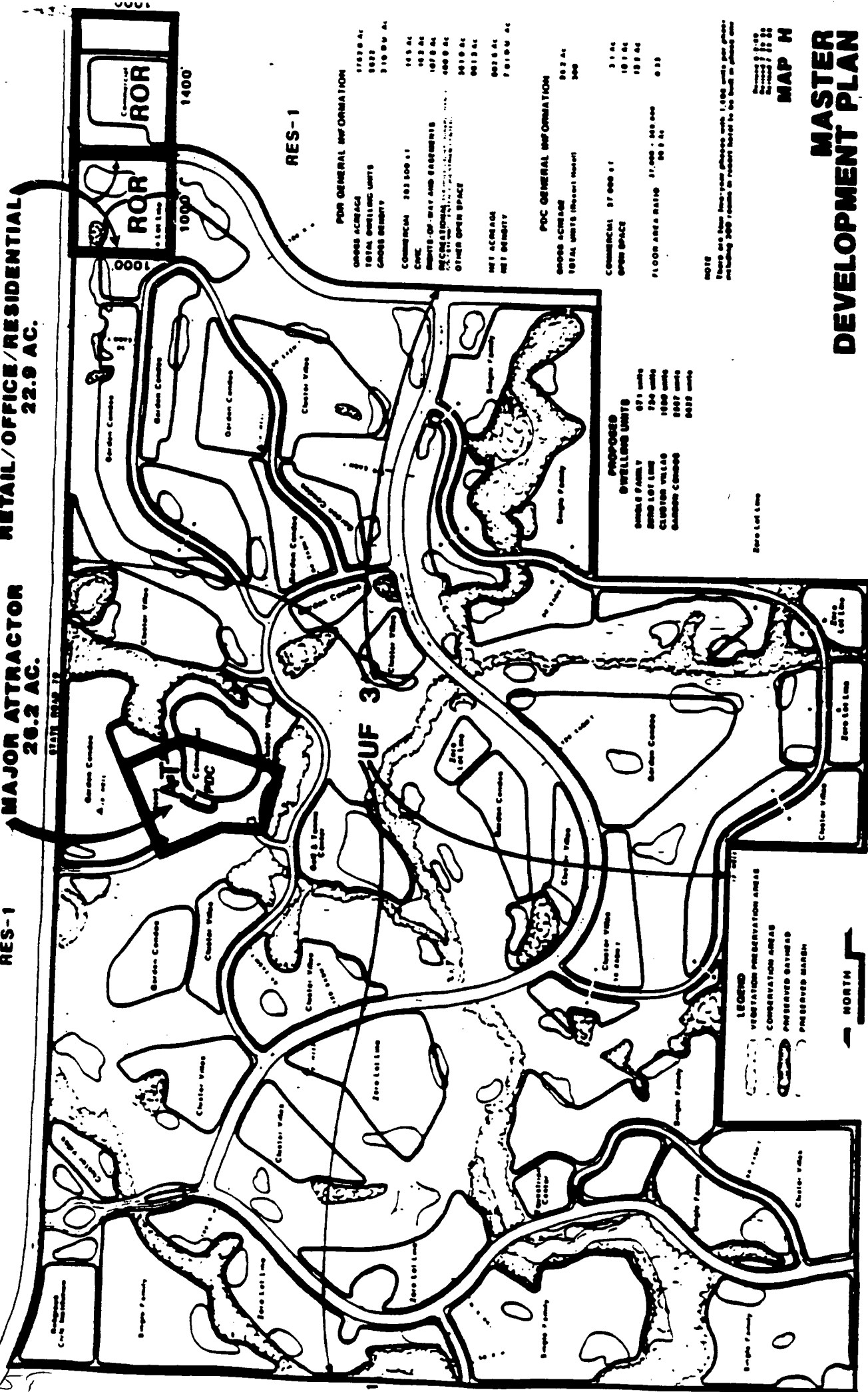
ATTEST: Susan B. Shore
R. B. SHORE, CLERK OF CIRCUIT COURT

EXHIBIT A

RES-1

MAJOR ATTRACTOR
26.2 AC.

RETAIL/OFFICE/RESIDENTIAL
22.9 AC.



RES-1

PER GENERAL INFORMATION

GROSS ACREAGE	1223.0 AC
TOTAL SWELLING UNITS	5025
GROSS DENSITY	3.19 UNITS/AC
COMMERCIAL	303,000 SF
OFFICE	103,000 SF
RETAIL	102,000 SF
RECREATIONAL	102,000 SF
OTHER OPEN SPACE	400,000 SF
NET ACREAGE	501.0 AC
NET DENSITY	10.02 UNITS/AC

POC GENERAL INFORMATION

GROSS ACREAGE	26.2 AC
TOTAL UNITS (PROPOSED)	300
COMMERCIAL	37,000 SF
OFFICE	10,000 SF
RETAIL	10,000 SF
RECREATIONAL	10,000 SF
OTHER OPEN SPACE	0.00
FLOOR AREA RATIO	37,000 / 26.2 = 1412.21

NOTE
These are the proposed maximum units with 1,000 units per acre including 300 units in retail located to be located in adjacent zone.

LEGEND
VEGETATION PRESERVATION AREAS
CONSERVATION AREAS
PRESERVED STREAM
PRESERVED MARSH

MAP H
MASTER DEVELOPMENT PLAN

CYPRESS BANKS
a planned development
Manatee County, Florida

(R)

RES-1

14357

EXHIBIT

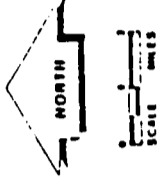
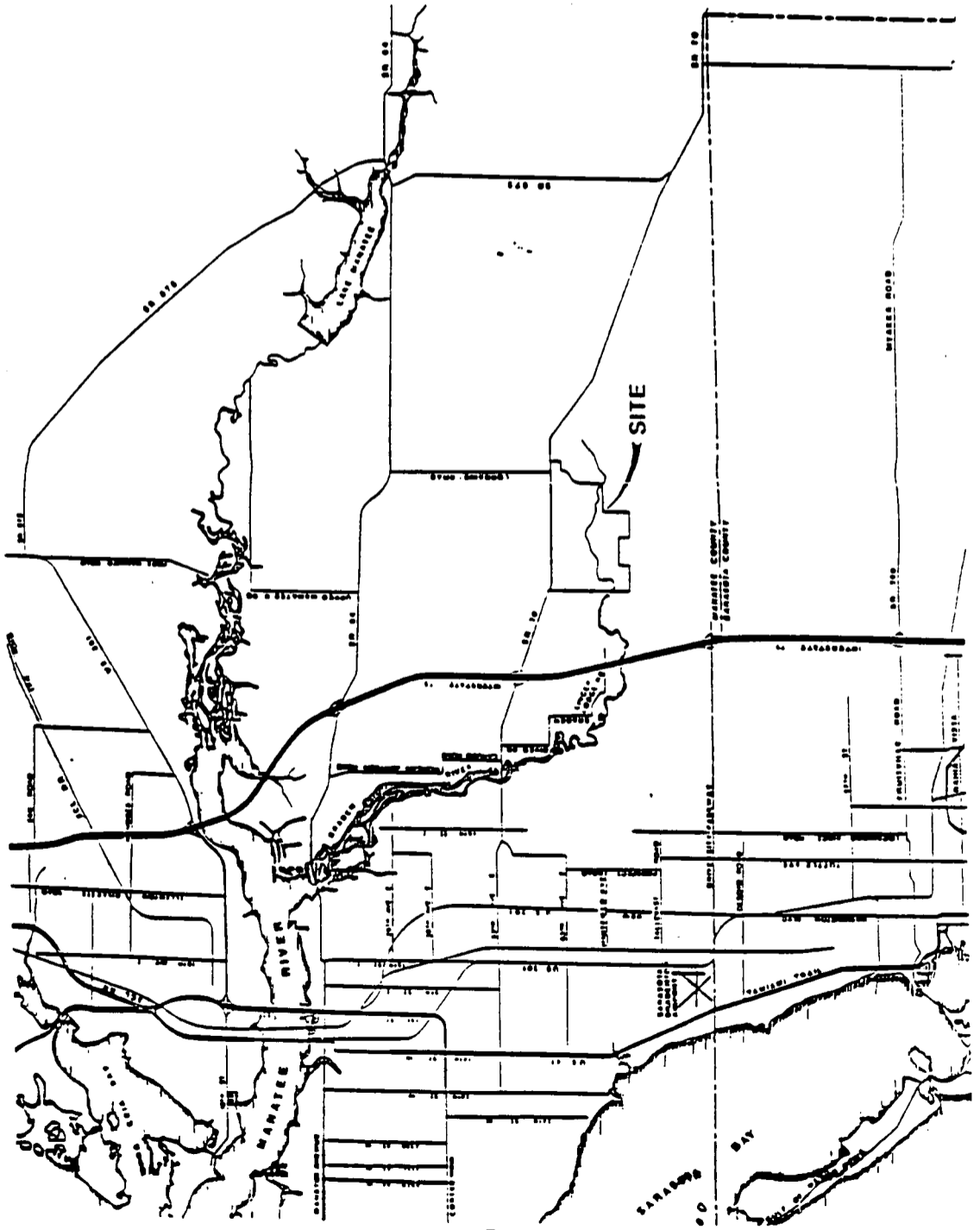


EXHIBIT B
MAP J

TRANSPORTATION NETWORK

CYBRESS DANKS

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
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Intersections

S.R.70 @ Caruso Rd.:
Add eastbound left-turn lane to mitigate.
Add eastbound and westbound through to restore.
**Planned Programmed Improvement.

S.R.70 @ 45th St.:
Add eastbound and westbound through lane to
mitigate and restore.
**Planned Programmed Improvement.

Site Access:

S.R.70 @ West Entrance: 100
Signalize, add eastbound right-turn lane,
westbound left-turn lane, northbound left-
turn lane, and northbound right-turn lane.

S.R.70 @ Hotel Entrance: 100
Add northbound left-turn/right-turn lane,
unsignalized.

Fwy Ramp Intersections:

I-75 @ S.R.70,
Signalize. Eastbound intersection 8.9
Westbound intersection 8.3

EXHIBIT C (continued)
 (REVISED)
 Phase I (continued)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
Links:		
53rd Ave. (S.R. 70) U.S. 301 to 45th St.: 2-lane undivided to 4-lane undivided.	5.4	
S.R. 70 45th St. to Caruso Rd.: 2-lane undivided to 4-lane undivided.	10.9	
S.R. 70 Caruso Rd. to I-75: 2-lane rural to 4-lane undivided.	13.8	
University Pkwy. Planned Honore Rd. to I-75: 2-lane rural to 6-lane divided. **Planned Program Improvement.		
Fruitville Rd. McIntosh Rd. to I-75: 2-lane rural to 4-lane divided. **Planned Programmed Improvement.		

EXHIBIT C (continued)
 (REVISED)
 Phase II

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
<u>Intersections:</u>		
None.		
<u>Site Access:</u>		
S.R.70 @ West Entrance: Add eastbound and westbound ST.	(100)	
S.R.70 @ Hotel Entrance: Signalize, add eastbound and westbound ST.	(100)	
S.R.70 @ Lorraine Rd.: Signalize, add eastbound right-turn lane, westbound through lane, northbound left-turn/through/right-turn lane.	(100)	
<u>Fwy Ramp Intersections:</u>		
I-75 @ University Parkway Construct Ground Loop to separate traffic. (TBRPC)		11.0
<u>Freeway Ramps:</u>		
None.		
<u>Links:</u>		
53rd Ave. (S.R.70) U.S.301 to 45th St.: 4-lane undivided to 6-lane divided.	10.5	
S.R.70 45th St to Caruso Rd.: 4-lane undivided to 6-lane divided.	39.6 (21.0)	
S.R.70 Caruso Rd. to I-75: 4-lane undivided to 6-lane expressway.	50.0 (29.4)	

CB6T.2.3

EXHIBIT C--(continued)
 (REVISED)
 Phase II (continued)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
<u>Links (continued):</u>		
S.R.70 I-75 to West Project Entrance: 2-lane rural to 6-lane divided.	143.0	
S.R.70 Westerly Project Entrance to Lorraine Rd: 2-lane rural to 4-lane divided.	90.2-113.4	
University Pkwy. Rel.301 to Lockwood Ridge Rd.: 2-lane undivided to 4-lane divided. (Planned Programmed Improvement)	8.8	
University Pkwy. Lockwood Ridge Rd. to planned Honore Rd.: 2-lane rural to 6-lane divided.	8.8	
University Pkwy. Planned Honore Rd. to I-75: 6-lane divided to 6-lane expressway.	16.0	
I-75 S.R.70 to University Pkwy.: 6-lane freeway to 8-lane freeway.	13.7	
I-75 University Pkwy. to Fruitville Rd.: 6-lane freeway to 8-lane freeway.	6.9	

CB6T.2/3

EXHIBIT C (continued)
(REVISED)
Phase II (continued)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
<u>Links (continued):</u>		
S.R.64 Morgan Johnson Rd. to I-75: 2-lane undivided to 4-lane divided. (Programmed for 4-lane prior to end of Phase I)		
U.S.301 1st St. to 15th St.: 2-lane undivided to 4-lane divided.		
Fruitville Rd. Tuttle Ave. to McIntosh Rd.: 2-lane rural to 4-lane undivided. (Programmed 6-lane prior to end of Phase I)		
Fruitville Rd. McIntosh Rd. to I-75: 4-lane divided to 6-lane divided. (Programmed 6-lane prior to end of Phase I)		
<u>Grade Separation</u>		
* U.S. 301 and 53rd Avenue East		8.6

CB6T.2.3

EXHIBIT C (continued)
(REVISED)
Phase III

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traff as Percent of Projected LOS Peak Capacity
<u>Intersections:</u>		
None.		
<u>Site Access:</u>		
None.		
<u>Fwy Ramp Intersections:</u>		
None.		
<u>Freeway Ramps:</u>		
None.		
<u>Links:</u>		
I-75 S.R.70 to S.R.64: 6-lane freeway to 8-lane freeway.		5.2
S.R.70 Westerly project entrance to Hotel entrance: 4-lane divided to 6-lane divided.		126.2 (74.2)
University Pkwy. Rd.301 to Lockwood Ridge Rd.: 4-lane divided to 6-lane divided.		8.7
University Pkwy. Lockwood Ridge Rd. to planned Honore Rd.: 6-lane divided to 6-lane expressway.		11.1 (7.3)

EXHIBIT C (continued)
 (REVISED)
 Phase III (continued)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traff as Percent of Projected LOS Peak Capacity
<u>Links (continued):</u>		
University Pkwy. Planned Honore Rd. to I-75: 6-lane expressway to 8-lane expressway.	20.3 (10.9)	
I-75 S.R.70 to University Pkwy.: 8-lane freeway to 10-lane freeway.	17.4 (13.1)	
I-75 University Pkwy. to Fruitville Rd.: 8-lane freeway to 10-lane freeway.	8.7 (6.5)	
Fruitville Rd. 0.5 mi. E. of Lockwood Ridge Rd. to I-75: 4-lane divided to 6-lane expressway.	9.2	
* 9th Street West 1st Street to 53rd Avenue East 4-lane divided arterial	14.9	
<u>Grade Separations:</u>		
* S.R. 70 @ Caruso Rd.		14.4
* S.R. 70 @ 45th Street		10.3
* Relocated 301 @ 53rd Ave (S.R.70)		5.9
<u>Additional Link:</u>		
Washington Boulevard. DeSoto Road to Fruitville Road 6-lane divided arterial		5.7

EXHIBIT C (continued)
 (REVISED)
 Phase IV

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
<u>Intersections:</u>		
None.		
<u>Site Access:</u>		
None.		
<u>Fwy Ramp Intersections:</u>		
None.		
<u>Freeway Ramps:</u>		
None.		
<u>Links:</u>		
9th Street West (U.S. 301 Blvd.) 1st St. to 53rd Avenue: 4-lane divided to 6-lane divided.	18.1 (9.6)	
S.R. 70 Caruso Rd. to I-75: 6-lane expressway to 8-lane expressway.	77.0 (18.5)	
S.R. 70 I-75 to Westerly Project Rd.: 6-lane divided to 6-lane expressway.	220.0 (88.1)	

CB6T.2/3

EXHIBIT C (continued)
 (REVISED)
 Phase IV (continued)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS Peak Capacity
<u>Links (continued):</u>		
S.R. 70 45th Street East to Caruso Road.: 6-lane divided to six-lane expressway.	61.0 (21.2)	
S.R. 70 Hotel Entrance to Lorraine Rd.: 4-lane divided to 6-lane divided.	116.0 (68.2)	
* University Pkwy. Planned Honore Rd. to I-75: 8-lane expressway to 8-lane freeway.	24.6 (9.9)	
I-75 S.R. 70 to University Pkwy.: 10-lane freeway to 12-lane freeway.	21.1	
I-75 University Pkwy. to Fruitville Rd.: 10-lane freeway to 12-lane freeway.	10.6	

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.
2. The Manatee County Public Works Department, Transportation Division has agreed that Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meet the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

1435 ABD

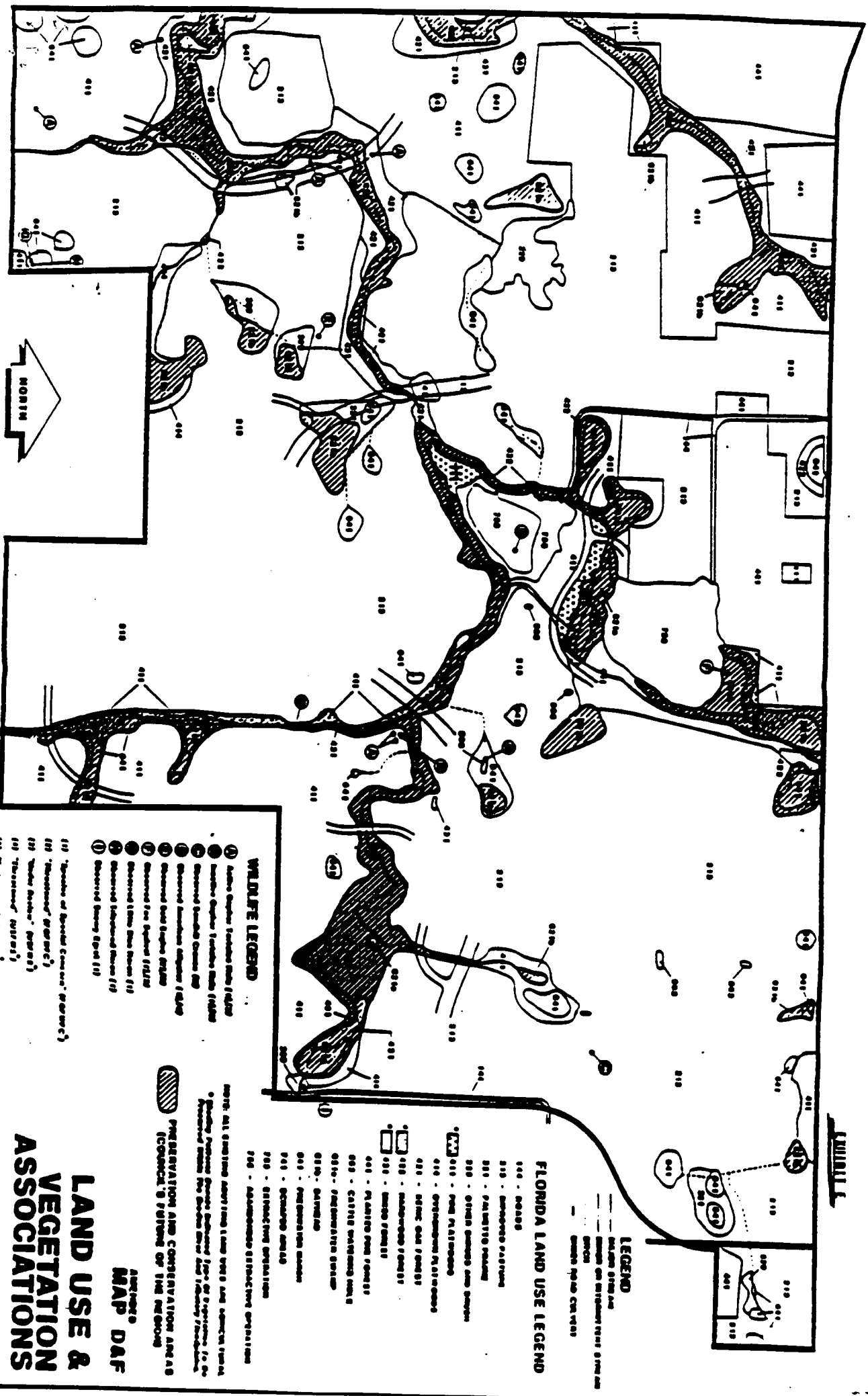
EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE***	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990-1995)	Resort Center*	Tennis Complex First and Second Golf Course (18 Holes Each)	1405**
II (1995-2000)	203,500 s.f. Community Shopping	Third Golf Course (18 Holes) Equestrian Center Religious Center	1405
III (2000-2005)			1406
IV (2005-2009)			<u>1406</u>
		TOTAL	5622

- * Includes 27,000 s.f. of Specialty Retail
- ** 300 rooms in Resort Hotel - Hotel does not count as dwelling unit
- *** Phasing Schedule is based upon the projections in the ADA - with a completion date of 2006.

EXHIBIT E



- WILDLIFE LEGEND**
- ① Active Osprey Nests (1/82)
 - ② Active Osprey Nests (1/81)
 - ③ Abandoned Osprey Nests (1/82)
 - ④ Abandoned Osprey Nests (1/81)
 - ⑤ Osprey Nests (1/82)
 - ⑥ Osprey Nests (1/81)
 - ⑦ Osprey Nests (1/80)
 - ⑧ Osprey Nests (1/79)
 - ⑨ Osprey Nests (1/78)
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 - ⑪ Osprey Nests (1/76)
 - ⑫ Osprey Nests (1/75)
 - ⑬ Osprey Nests (1/74)
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 - ㊽ Osprey Nests (1/39)
 - ㊾ Osprey Nests (1/38)
 - ㊿ Osprey Nests (1/37)

- FLORIDA LAND USE LEGEND**
- 000 - BORDO
 - 001 - AMENDED PASTURE
 - 002 - PASTURE
 - 003 - OTHER GRAZING AND PASTURE
 - 004 - PINE PLANTATION
 - 005 - PINE PLANTATION
 - 006 - OTHER PINE PLANTATION
 - 007 - PINE PLANTATION
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LAND USE & VEGETATIONS ASSOCIATIONS CYPRESS BANKS

ARRANGED BY
MAP DAF

1425 ABE

STATE OF FLORIDA COUNTY OF MIAMI
 I hereby certify that the foregoing is a true
 copy of ORDINANCE NO. 286-38 adopted by the
 Board of County Commissioners of said county on
 the 16 day of Nov, 1989 this 17 day
 of Nov, 1989, in Bradenton, Florida.

R. B. Shore
 Clerk of Circuit Court
 By: *Susan P. D. Beach*



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

FILED
CLERK
MAR 1989
DEC 5 12 33 PM '89

December 1, 1989

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

Attention: Susan B. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of November 20, 1989 and certified copy of Manatee County Ordinance Numbers Z-89-40 and Z-86-30 (R), which were filed in this office on December 1, 1989.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (2)

X