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R. B. SHORE
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CLERK OF DISTRICT COURT
MANATEE COUNTY FLORIDA

**MANATEE COUNTY ORDINANCE NO. Z-86-30(G)(R¹⁰)
AMENDING NO. Z-86-30 AS AMENDED BY Z-86-30(R),
Z-86-30(R²), Z-86-30(G)(R³-B), Z-86-30(G)(R³-A), Z-86-30(G)(R⁴),
Z-86-30(G)(R⁷), Z-86-30(G)(R⁸), and Z-86-30(G)(R⁹) SCHROEDER MANATEE RANCH, INC.
(SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP, LOCUST
VALLEY INVESTMENT, L.L.C., AND ARVIDA CORPORATE PARK ASSOCIATES)
(CYPRESS BANKS)**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE NO. Z-86-30(G)(R⁹), AS AMENDED, TO AMEND MAP H (A.K.A. GDP) TO ADD MORE OR LESS 432.1 ACRES TO THE DRI WHICH INCLUDES AN ADDITIONAL 153.9 ACRES OF RESIDENTIAL ACREAGE (WITHOUT ANY ADDITIONAL DWELLING UNITS OR DENSITY INCREASES), 174.8 ACRES OF OPEN SPACE, AND TO AMEND THE INTERNAL ROADWAY NETWORK; GRANT SPECIAL APPROVAL FOR A PROJECT WHICH PREVIOUSLY RECEIVED SPECIAL APPROVAL FOR ITS LOCATION IN THE WATERSHED PROTECTION OVERLAY DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, the recommendation and findings of the Planning Commission, as well as all other matters presented to the 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 a Zoning Ordinance Amendment as it relates to the real property described in Section 4 of this Ordinance.
- B. The 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 Board of County Commissioners held a public hearing on November 16, 1989 to approve amendment Z-86-30(R), on May 26, 1994 to approve amendment Z-86-30(R²), on September 28, 1995 to approve amendment Z-86-30(G)(R³-A), on February 22, 1996 to approve amendment Z-86-30(G)(R³-B), on April 2, 1996 to approve amendment Z-86-30(G)(R⁴), on January 6, 1997 to approve amendment Z-86-30(G)(R⁵), on December 12, 1998 to approve amendment Z-86-30(G)(R⁶), which rescinded Z-86-30(G)(R⁵), on April 27, 1999 to approved Z-86-30(G)(R⁷), on March 28, 2000 to approve amendment Z-86-30(G)(R⁸), and on March 26, 2002 to approve amendment Z-86-30(G)(R⁹), all in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code).

- D. The public hearings referenced above have been conducted in conjunction with public hearings upon an Application for the Notice of Proposed Change (NOPC) for the same development project, submitted pursuant to Chapter 380, Florida Statutes.
- E. The proposed amendment to Ordinance Z-86-30(R⁸), as amended, regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No.89-01, as amended (The 2020 Manatee County Comprehensive Plan).

SECTION 2. The General Development Plan (f.k.a. Conceptual Development Plan) titled Cypress Banks, is hereby AMENDED to allow approximately 5,501 dwelling units, 203,500 square feet of commercial space, and two 18 hole golf courses with the following stipulations:

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.
- A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as "Map H" (revised May 2002) which is attached to this ordinance as Exhibit "F" and which replaces the previous Map H (revised 12/9/99). 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, SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company, its heirs, successors, and assigns or designated entity.
- A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process, 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 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 May 2002) 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.

B. STIPULATIONS

- B.(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 504, Zoning Atlas 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 (e.g., 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.* **(Completed)**

- 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 904 of The Manatee County Land Development Code and in accordance with the following provisions:
- 1) Following the approval of the Final Master Development Plan* by the County, 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 508, 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 722, 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 Land Development Code shall be required of any entity seeking authorization for Vertical Development* in Cypress Banks. A revised Preliminary Development Plan* shall be approved prior to any further Preliminary Site Plan approvals.

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 submittal.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 99-25. 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).

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one (1) 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. 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)

B. (6) The maximum number of residential units shall be limited to 5,501 and the maximum overall density shall not exceed 2.5 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 project more accurately the number of units remaining to be constructed in each development area.

B.(7) 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 Departments 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 areas except as provided for in C.(3). 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 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.

C. 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 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 C.(3) and C.(5).

- C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land Development Code (LDC) **[Completed for the first 1,405 units, which are Phases I, and 425 units in Phase II]**. 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 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 as reported in the most recent FDOT or Highway Capacity manual publications 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 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 Authority* and the Planning Department 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 Development will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D" (revised 4/27/99).

- C.(3) a. Approval of the 1,405 residential units and the religious center in Phase I is contingent upon the following:
1. The Developer* has demonstrated the availability of adequate infrastructure for roadway capacity for the 1,405 residential units and is hereby issued a Level of Certificate of Service for traffic which shall expire November 15, 2002. The Certificate is conditioned upon the completion of River Club Boulevard to its connection with Lakewood Ranch Boulevard, and Lakewood Ranch Boulevard as a two-lane roadway from the southern terminus of River Club Boulevard to University Parkway east of Interstate 75, prior to the approval of the final plat for the 795th residential unit.

The Developer* shall prepay transportation impact fees in the amount of \$913,469.00. Payment of the full amount shall be made by the Developer* to Manatee County in the form of a certified or cashier's check on or before January 31, 1995. There shall be no reduction in the amount payable if the Owner elects not to construct the 1,405 residential units in Phase I, as the contribution to ensure the infrastructure improvements are necessary to insure adequate

capacity on the affected roadways.

Manatee County shall utilize the Developer's* payment to obtain right of way for the construction of improvements to State Road 70 in the area between U.S. 301 and I-75.

The Developer* shall be entitled to transportation impact fee credits for residential units in Phase I once payment is made, provided said credit does not exceed the amount of \$913,469.00. **(Completed for Phase 1)**

2. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the 1,405 residential dwelling units in Phase I (468 dwelling units) or prior to Final Site Plan approval for the 936 dwelling units in Phase I, whichever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter.

- (a) Peak-hour traffic counts at the project entrances to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than annually. If any report indicates that the total project P.M. peak-hour trips on any link designated in the phase one traffic study trip distribution exceed projected counts by more than 10 percent, Manatee County shall require a revised traffic analysis. If the variance is determined to be a significant deviation, a revised transportation analysis shall be required. The analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Certificate of Level of Service to change or require additional roadway improvements, if Warranted*, prior to any further final site plan approvals.
- (b) If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by ten (10) percent pursuant to the revised traffic analysis submitted with this amendment,

then the Developer* shall conduct a traffic analysis, subject to County methodology, to determine an Acceptable Level of Service* on affected roadways and intersections. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

- b. Approval of each Preliminary Site Plan, except for the 1,405 residential units in Phase I, shall be contingent upon satisfaction of one of the following:
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 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 Policy 5.1.6.2 of the Manatee County Comprehensive Plan; OR
 2. 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
 3. 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 C.(3) 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.

- C.(5)** If the Traffic Studies* required in C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment or if funding as set forth in C.(3) above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth in C.(3) 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.
- 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 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 SR70 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.
- C.(8)** The second means of access, as shown on the site plan for the MF parcel (a.k.a. Parcel 117), shall be constructed before any Certificate of Occupancy beyond 100 dwelling units in Parcels 116 or 117. The applicant shall demonstrate to the satisfaction of the County Attorney's Office that the easement shall allow access as approved, and will be utilized.
- C.(9)** The Cypress Banks DRI shall include an unrestricted 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 into the record with Ordinance 99-25.

Map H shall show access points off Lakewood Ranch Boulevard and Lorraine Road to accommodate this connection.

Construction of this roadway shall commence within 2 years of the effective date of this amendment and shall be completed within 18 months of commencement. As with all road construction, the specific design shall be reviewed and approved by the Manatee County Planning and Transportation Departments. The design shall be a 2 lane local road with bike lanes, and shall include sidewalks on both sides of the roadway from Lakewood Ranch Boulevard to Lorraine Road. Traffic calming shall be included with the design.

- C.(10)** The two additional access points to State Road 70 for the two approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-in/right-out turning movements, with an optional left-turn-in directional median cut, if fully permitted by FDOT.
- C.(11)** 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 the two commercial parcels located at Lorraine Road and S.R. 70. This shall be approved by the Growth Management Division of the Planning Department with the Construction Drawings.
- C.(12)** 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.(10).
- C.(13)** Prior to Final Plat approval (or Final Site Plan approval if a plat is not required) of the 300th lot/unit or the 101st lot/unit without direct access to a boulevard section, the applicant shall post performance security, in a manner acceptable to the County Attorney's office, to secure the cost of constructing a paved access road to SR-70 through a connection to existing Lorraine Road. Such security shall be posted for a period not to exceed one year.
- The first intersection west of Lorraine Road on SR-70 shall be signalized, or a paved second means of access meeting all requirements of Section 712.2.8 shall be provided to SR-70, through a connection to Lorraine Road (as graphically described in Section 712.2.8, Diagram A.2) prior to the issuance of a building permit for the 300th lot/unit or the 101st lot/unit without direct access to a boulevard section, whichever comes first.
- C.(14)** Development pods may be constructed with up to 120 dwelling units with one means of access provided the applicant satisfactorily demonstrates an environmental constraint to the Environmental Management and Planning Departments, and provided each pod is designed to accommodate circulation

alternatives, which may include boulevard entrances, mid-point turnarounds, traffic eyebrows, or loop roads.

D. ENVIRONMENTAL CONDITIONS

D.(1) A surface water quality and 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 approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) **(Completed)**. 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 I)**.

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

- 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. The only wetland impact permitted with the 432.1 acres added with the adoption of Ordinance 02-34, shall be the roadway crossing shown on Map H, and allow for piling supported structures for golf cart paths, in accordance with Section 719 of the LDC. Such structures shall be located as to minimize impacts to desirable vegetation. This shall be reviewed and approved by the Environmental Management Department prior to Final Site Plan approval.
- 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 and F in the ADA) and as amended with Z-86-30(R8)(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.
- 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 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 2020 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 Comprehensive Plan, as amended.
- D.(15)** 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 Protection.
- D.(16)** 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.
- D.(17)** To prove "no negative effect" on water quality in the Future Land Use Categories in the Manatee County Comprehensive Plan, Ordinance 89-01, as amended, 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 62-25, Florida Administrative Code). Designs for these stormwater management structures must be

incorporated in Southwest Florida Water Management District (SWFWMD) surface water management permits, and proof of permit must be provided prior to final plan approval.

D.(18)

Prior to the first Preliminary Site Plan approval for the additional 374.1 acre parcel added to the General Development Plan with Z-86-30(G)(R8), Wildlife Management Plans for the Sherman Fox Squirrel, Gopher Tortoise, and Southeastern American Kestrel shall be approved by the Florida Fish and Wildlife Conservation Commission (FFWCC) and a copy of this approval provided to the County's Environmental Management Department.

Additionally, 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 project 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.(19)

The 326.1-acre addition (a.k.a. Taylor Ranch) of land added to the DRI with Ordinance 02-34, shall be subject to the following.

- A. Upland preservation shall be provided by increasing the wetland buffer approximately twenty feet beyond the 30 foot (30') wetland buffer required by the Manatee County Land Development Code. Upland preservation areas shall be delineated on the Final Site Plan.
- B. Prior to commencement of construction within fifteen hundred feet (1500) of the eagle nest, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).
- C. A permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to approval of the Erosion and Sediment Control Plan.
- D. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review with the Final Site Plan, in accordance with Section 719.11.2.1. and 715.4(E) of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
- E. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a

"Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.

- F. Exotic, nuisance plant species shall be removed from upland portions of the site, in accordance with Section 715.4(E) of the LDC.
- G. The approved Integrated Pest Management Plan (IPM) for Cypress Banks shall be expanded to include this addition. Unless otherwise approved by the EMD, native or drought tolerant landscaping shall be utilized in common areas. In addition the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.

E. 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 this 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 Department 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 62-3, 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.

F. 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, (FS).
- 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.

G. 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.

H. 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 (e.g., 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 site clearing (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.

- H.(3)** 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*.
- H.(4)** 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.
- H.(5)** 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.
- H.(6)** 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.

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 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.

H.(9) 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 an 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). **(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 site reservoir.

- H.(13) 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 (**Completed for Phase I**).
- 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) SMR Communities Joint Venture, A Florida General Partnership, its successors, assigns 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 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, 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.

H.(16) The stipulations set forth in the Development Order as approved by Ordinance 02-34 are included herein by reference.

H.(17) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish and Wildlife Conservation Commission(F.F.W.C.C.), 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.(18) 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. **(Completed)** 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 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 his 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 (**Completed**).

H.(19)

Residential development shall comply with the following dimensional standards:

TYPE	MINIMUM LOT SIZE (Sq. Ft.)	MINIMUM LOT WIDTH	FRONT SETBACK (FT.)	SIDE SETBACK (FT.)	REAR SETBACK (FT.)
SF ¹	4,950 SF**	45'	20/15*	6***	15
SF	9,000 SF	80'	25/20*	8	15
SF	11,250 SF	100'	25/20*	8	15
Zero Lot	4,950 SF**	45'	20/15*	0/10	15

Multi-family			25	15/25 ²	15
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- * Front setback for units with side entry garages.
 - ** No more than 50% of the units in each phase shall be less than 6,000 square feet in lot area.
 - *** Lots within Subphases A and B of Summerfield Village, Unit 1 shall be allowed to utilize a six (6) foot side setback or five (5) feet from the leading edge of the roof overhang to the property line.
1. SF includes single-family attached and semi-detached.
 2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two- and three-story buildings.

H.(20) Multi-family dwellings shall be limited to three stories. Single-story buildings shall maintain a minimum setback of 50 feet from single family residential development and any buildings which are two or three stories shall maintain a minimum setback of 100 feet from single family residential development on adjacent properties (such as the River Club DRI) and 50' from single-family development within Cypress Banks.

H.(21) Any commercial buildings which exceed 20 feet in height shall maintain a 35 foot setback adjacent to residential development. The rear facade and loading areas of all commercial buildings shall be screened from residential parcels with a solid wall or fence, a minimum height of 6 feet from finished floor. This screening shall not be required if the parcels are separated by at least 100 feet of undisturbed area which includes natural vegetation.

H.(22) Where residential uses abut Lorraine Road, the Developer* shall provide a twenty (20) foot landscaped buffer immediately adjacent to the right-of-way. This buffer shall consist of a 3' high berm measured from the proposed finish grade of the road right-of-way, with trees and shrubs planted on the berm to create a 6-8' high hedge. The hedge will consist of suitable plant material (e.g., Wax Myrtle, Viburnum ordora, Ligustrum jap) installed from 15 gallon containers, measuring 5-6' overall height, placed on alternating 5-7' centers.

All landscape buffers will be adequately irrigated by an automatic irrigation system and maintained by SMR Communities, the Community Development District, or the appropriate homeowner association.

In those cases where there is existing vegetation that effectively meet this criteria, no additional planting will be required.

This landscaped buffer shall be installed prior to the issuance of the first Certificate of Occupancy for a residential structure within the adjacent development area.

- H.(23)** The maximum number of residential units per phase shall be limited to the numbers indicated in Exhibit D (revised 4/27/99). With each preliminary plan submitted, a Residential Sector Data Table shall be provided to include the number of units that have Final Site Plan approval.
- H.(24)** The setback for the secondary front yard of corner lots shall be a minimum of fifteen (15) feet.
- H.(25)** Where side yards are adjacent to rear yards of corner lots, the driveway on the adjacent lot (non-corner lot) shall be located on the opposite side of the lot from the corner lot.
- H.(26)**
- | | |
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| SF | (Single Family) tracts may be developed with the range of single-family unit types listed in Condition H.(19) plus group care homes, churches, day care, and schools, subject to the conditional use criteria contained in Section 704 of the Land Development Code. |
| MF | (Multi-family) tracts may be developed with uses listed for SF, in addition to multi-family uses. |
| CO | (Commercial/Office) tract will be developed with uses permitted in the PD-C and PD-O districts. All uses are subject to consistency with the Comprehensive Plan and any applicable Land Development Code requirements. |
- Uses within the UF-3 FLUC are limited to Neighborhood General Retail Sales uses. Commercial structures shall not exceed a maximum height of 35 feet.
- Veterinary Hospitals (domestic animals only) are allowed in the R/O/R future land use parcels
- H.(27)** All cul-de-sac roadways shall not exceed 800' in length unless traffic eyebrows are constructed at 800 foot intervals with full 110 foot diameter turnarounds as approved by Manatee County. The cul-de-sacs shall not exceed 1,600' in length.
- H.(28)** All lots abutting the east-west connector roadway shall be reverse frontage lots.

SECTION 4. LEGAL DESCRIPTION

A parcel of land lying in Sections 17, 20, 21, 22, 27, 28, 29, 32, and 33, Township 35 South, Range 19 East, Manatee County, Florida and 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 N.00°35'47"E. along the West line of said Section 20, 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 S.70°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 easterly along the arc of said curve, an arc length of 654.24 feet to the point of tangency of said curve; thence S.88°45'54"E., a distance of 4,362.42 feet; thence S.89°41'54"E., a distance of 1,575.96 feet; thence S.89°42'03"E., a distance of 2,821.50 feet; thence S.89°19'57"E., a distance of 3,193.08 feet; thence S.00°39'03"W., a distance of 898.94 feet; thence N.89°20'57"W., a distance of 867.82 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 southerly along the arc of said curve, 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 southerly along the arc of said curve, an arc length of 1,599.49 feet to the point of tangency of said curve; thence S.00°30'20"W., a distance of 355.33 feet; thence S.00°51'26"W. along a line 120 feet Easterly of and parallel with the Westerly line of Section 27, a distance of 5,313.46 feet to a point on the Southerly line of said Section 27; thence S.89°57'56"W. along the Southerly line of said Section 27, a distance of 120.02 feet to the Southeast corner of Section 28; thence N.89°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 N.00°45'47"E. along the West line of the East 1/2 of said Section 28, a distance of 1,236.76 feet; thence N.89°31'24"W. along a line 4,077.34 feet Southerly of and parallel with the North line of said Section 28, a distance of 2,614.09 feet; thence S.00°40'06"W., a distance of 221.36 feet to the point of curvature of a curve to the left having a radius of 600.00 feet and a central angle of 73°58'28"; thence southeasterly along the arc of said curve, an arc length of 774.66 feet to the point of reverse curvature of a curve to the right having a radius of 550.00 feet and a central angle of 59°36'16"; thence southeasterly along the arc of said curve, a distance of 572.16 feet to the end of said curve; thence S.76°17'54"W., radial to the last described curve, a distance of 33.84 feet; (the following 7 calls are along the North line of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of the Public Records of Manatee County, Florida); thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.01°16'25"E., a radial distance of 58.00 feet; thence westerly along the arc of said curve, through a central angle of 24°50'28", an arc length of 25.15 feet to the end of said curve; thence N.26°06'53"W., non-tangent to the last described curve a distance of 49.82 feet; thence S.72°30'29"W., a distance of 161.83 feet; thence N.17°29'31"W., a distance of 20.40 feet; thence S.72°30'29"W., a distance of 190.11 feet; thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 23 of the aforementioned Public Records; thence S.90°00'00"W. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of the

forementioned Public Records, a distance of 2,269.90 feet; thence S.23°47'43"W. along the west line of said of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; (the following 2 calls are along said northerly line) thence N.60°40'54"W., a distance of 184.30 feet; thence N.37°10'57"W., a distance of 84.85 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the aforementioned Public Records; (the following 3 calls are along said easterly line) thence N.01°20'47"E., a distance of 240.50 feet; thence N.58°34'00"W., a distance of 423.22 feet; thence N.00°29'35"E., a distance of 166.41 feet to a point on the South line of Section 29; thence N.89°30'25"W. along said South line, a distance of 1,269.54 feet to the South 1/4 corner of the Southwest 1/4 of said Section 29; thence N.00°29'12"E. along the East line of the West 1/2 of said Southwest 1/4 of Section 29, a distance of 2,658.58 feet to the North 1/4 corner of said Southwest 1/4 of Section 29; thence N.89°30'30"W. along the South line of the Northwest 1/4 of said Section 29, a distance of 120.00 feet; thence S.00°29'12"W., a distance of 46.62 feet; thence N.89°30'48"W., a distance of 470.30 feet; thence N.61°13'53"W., a distance of 51.46 feet; thence S.85°03'09"W., a distance of 131.05 feet; thence S.33°11'55"W., a distance of 59.75 feet; thence N.46°13'24"W., a distance of 141.11 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.46°13'26"E., a radial distance of 295.00 feet; thence southwesterly along the arc of said curve, through a central angle of 15°08'33", an arc length of 77.96 feet to the end of said curve; thence N.61°21'58"W., radial to the last described curve, a distance of 186.34 feet; thence S.26°03'03"W., a distance of 41.15 feet; thence N.89°30'30"W., a distance of 211.38 feet to a point on the West line of said Section 29; thence N.00°23'24"E. along said West line, a distance of 2,656.56 feet to the Southwest corner of Section 20; thence N.00°35'53"E. along the West line of Section 20, a distance of 5,300.74 feet to the POINT OF BEGINNING.

Said parcel contains 2,597.0 acres, more or less.

SECTION 5. SEVERABILITY. If any provision or portion of this Ordinance 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 filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this 10th day of December, 2002.

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

BY: *Andy Stein*
Chairman

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

BY: *Susan Romine*
DC



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 19TH day of December, 2002

R.B. SHORE
Clerk of Circuit Court

By: *Lancy Harris* D.C.

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 advance 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.

DUE TO THEIR LARGE SIZE, EXHIBITS A, B, C, E, & F ARE NOT ATTACHED, BUT ARE
ON FILE WITH THE CLERK OF THE CIRCUIT COURT.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

December 26, 2002

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

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 20, 2002 and certified copies of Manatee County Ordinance Nos. 02-34 and Z-86-30(G)(R10), which were filed in this office on December 23, 2002.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

RECEIVED
DEC 31 2002
BOARD RECORDS