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FLORIDA DEPARTMENT OF STATE  
**Sandra B. Mortham**  
Secretary of State  
DIVISION OF ELECTIONS

December 26, 1997

Honorable R. B. Shore  
Clerk to Board of County Commissioners  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your eight letters of December 18 and 22, 1997 and certified copy each of Manatee County Ordinance Nos. 97-31, 97-78, Z-84-76-(R-2), PDMU-97-01 (Z) (G), PDO-96-02(Z) (P), 97-02, 97-03, 97-04, 97-05, 97-06, 97-20, 97-34, 97-50, 97-54, 97-81, and PDMU-92-01 (Z) (G) (R 4), which were filed in this office on December 26, 1997.

The duplicate copy of each showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

Enclosures

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (904) 488-8427  
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ORDINANCE-97-81

Dec 31 2 09 PM '97

SCHROEDER-MANATEE, INC.  
(AKA UNIVERSITY LAKES OF MANATEE, INC.)

DEVELOPMENT ORDER ORDINANCE

GRANTING AMENDMENTS TO AND REPLACING ORDINANCE-92-32,  
AS AMENDED BY ORDINANCE-93-25, ORDINANCE-95-44, AND ORDINANCE 97-61

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR  
THE UNIVERSITY LAKES DEVELOPMENT OF REGIONAL IMPACT (MANATEE  
COUNTY DRI #22, A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL  
(TBRPC) DRI #216); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR  
CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR  
AMENDED LIMITATIONS ON AND CONDITIONS OF APPROVAL; PROVIDING  
FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1  
TITLE

Dec 26 2 14 PM '97

FILED

**WHEREAS**, on May 31, 1991, University Lakes of Manatee, Inc. filed an Application for Development Approval\* (ADA\*) of a Development of Regional Impact (DRI) with the Manatee County Board of County Commissioners (County\*) pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, said ADA\* proposed construction of a multi-use project on approximately two-thousand three-hundred fifty-three (2,353) acres, located in southern Manatee County, hereinafter referred to as University Lakes DRI, or the Project\*; and

**WHEREAS**, the described Project\* lies within the unincorporated area of Manatee County; and

**WHEREAS**, a second development is planned, commonly known as University Place, adjacent to the Manatee County line in Sarasota County; and

**WHEREAS**, the University Lakes and University Place DRI's have been reviewed pursuant to the terms of the 380 Review Agreement\* defined in Section 3. below; and

**WHEREAS**, the Board of County Commissioners, on June 1, 1992, approved Ordinance 92-32, which granted local approval to DRI No. 22, University Lakes; and

**WHEREAS**, the Department of Community Affairs and the Tampa Bay Regional Planning Council appealed Ordinance 92-32 within the statutory time frame allowed; and

**WHEREAS**, the Developer\* entered into a settlement agreement with the Department of Community Affairs and the Tampa Bay Regional Planning Council to resolve their concerns; and

**WHEREAS**, on October 24, 1993, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-25) for the University Lakes DRI adopting language to settle administrative action between the Department of Community Affairs, Tampa Bay Regional Planning Council, and Schroeder-Manatee Ranch, Inc., et al.; and

**WHEREAS**, on January 25, 1996, The Board of County Commissioners adopted Ordinance 95-44, approving amendments to modify development totals, add 69.8 acres, and modify various definitions and conditions of the Development Order for the University Lakes DRI, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

**WHEREAS**, on October 28, 1997, the Board of County Commissioners adopted Ordinance 97-61, approving amendments to amend Map H, extend buildout and expiration dates, employ the land use trade-off mechanism, and modify various definitions and conditions of the Development Order for the University Lakes DRI, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

**WHEREAS**, the developers of University Lakes have proposed to allow a hospital use in Phase 2.

97-81: SMR, Inc. / University Lakes DRI 22 (Amended)

**WHEREAS**, the above described change, cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for University Lakes, pursuant to Subsection 380.06(19), Florida Statutes; and

**WHEREAS**, the Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

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

**WHEREAS**, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on said NOPC with the Board of County Commissioners; and

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

**WHEREAS**, the County\* on December 16, 1997, held a duly noticed public hearing on said NOPC and the language proposed by the Developer\* to amend and replace Ordinance 92-32, as amended, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning Department.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 16TH DAY OF DECEMBER, 1997, AS FOLLOWS:**

**SECTION 1.**

**FINDINGS OF FACT**

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

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. The Developer\* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 92-32, as amended by Ordinances 93-25, 95-44, and 97-61).
- C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 2,422.5 acre project and to extend buildout and expiration dates, modify transportation, wetland, and other conditions.
- D. The Board of County Commissioners of said County has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC and the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance of an NOPC pursuant to Section 380.06, Florida Statutes. The report was rendered on December 11, 1997, following public hearing.
- E. The Board of County Commissioners held a public hearing on December 16, 1997 regarding said NOPC and the proposed Zoning Ordinance Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (the Manatee County Land Development Code) and Ordinance No. 89-01, as

amended, (Manatee County Comprehensive Plan), and has further considered the testimony, comments, and information received at the Public Hearing.

- F. The proposed changes to the DRI regarding the property described in Section 7. herein, are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (the Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified in Section 5. and the Developer\* Commitments specified in Section 6. of this Development Order.
- G. The "Developer"\* of the Project\* submitted to Manatee County, Florida, an ADA\* and a NOPC, which are incorporated herein by reference.
- H. The Developer\* submitted an Affordable Housing Analysis (dated July 23, 1991) to Manatee County which describes the housing demand for low and very low income households and the existing housing supply (see Attachment #1).
- I. The real property which is the subject of this Development Order is legally described as set forth in Section 7.
- J. The Project\* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- K. The authorized agent for the Project\* is Rex E. Jensen, and his address is University Lakes of Manatee, Inc., 7550 Lorraine Road, Bradenton, Florida 34202.
- L. The owner of the property, which University Lakes of Manatee, Inc. intends to develop, is Schroeder-Manatee Ranch, Inc., a Delaware corporation.
- M. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, TBRPC, and the Department of Community Affairs (DCA).

## SECTION 2. CONCLUSIONS OF LAW

- A. Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:
  - 1. The Project\* will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
  - 2. The Project\* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP\*), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).
  - 3. The Project\* is consistent with the report and recommendations of the TBRPC approved on February 10, 1992 and on January 8, 1996, regarding the first NOPC on May 1997, regarding the second NOPC, and on October 13, 1997, regarding the third NOPC.
- B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer\* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County\*, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA\*, the NOPC, and the Affordable Housing Analysis. To the extent that the ADA\* is inconsistent with the terms and

conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

- D. This Ordinance replaces Ordinance 97-61, which granted amendments to Ordinances 92-32, 93-25, and 95-44 in their entirety and adequately addresses the impacts of the development, pursuant to the requirements of Chapter 380, Florida Statutes.
- E. Pursuant to Paragraph 380.06(19)(e)3, Florida Statutes, the changes proposed pursuant to the NOPC submitted on August 28, 1997 and approved pursuant to Ordinance 97-, do not constitute a Substantial Deviation requiring further Development of Regional Impact review.

### SECTION 3. DEFINITIONS

Note: An asterisk (\*) denotes that the word is defined. The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order, in addition to those listed herein.

- A. "380 Review Agreement\*" shall mean the Agreement executed between DCA, TBRPC, the Southwest Florida Regional Planning Council ("SWFRPC"), and Schroeder-Manatee, Inc. dated September 6, 1991 which governs the review of the University Lakes and University Place DRI's. A copy of the 380 Review Agreement\* is attached as Attachment #2.
- B. "Application for Development Approval\*" (or ADA\*) shall mean University Lakes, Inc. Development of Regional Impact Application for Development Approval (May 31, 1991), the Sufficiency Response submitted by the Developer\* on October 25, 1991, Appendix E Cumulative Affordable Housing Analysis, the NOPC submitted on July 10, 1995, the second NOPC submitted on March 26, 1997 and amended on October 28, 1997, and the third NOPC submitted on August 28, 1997 and amended on December 16, 1997.
- C. "Best Management Practices\*" (BMP) shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Combined Projects\*" shall refer to both University Lakes and the neighboring project, University Place.
- E. "County\*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "Developer\*" shall mean University Lakes of Manatee, Inc., their heirs, assigns, designees, and successors in interest as to the Project\* and all its conditions of approval.
- G. "Development Approval\*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- H. "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 the 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 shall not be deemed or construed to constitute the discharge of any obligation of the Developer\*.

- H. "FRCRPP\*" shall mean the TBRPC's Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region, adopted June 23, 1987 and amended in 1989.
- I. "Funding Commitments\*" shall mean to assure the completion of any improvement required by this Development Order or any combination of the following: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County\* for construction to be completed when the improvement is required as referenced in Tables 5 and 6 of this Development Order; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the first two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380 of the Florida Statutes. Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 5 and 6.
- J. "Post-Development Wetlands\*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development for this Project\*.
- K. "Project\*" shall mean the land uses, phasing, and improvements described in the ADA\* which are attributable to development on that property described in Section 7. herein and set forth on Revised Map H attached hereto as Attachment #3.
- L. "Transportation Impact Area\*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the Combined Projects\* will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, or the County\*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J (attached hereto as Attachment #4) which was based on data submitted with the ADA\*. In determining the Transportation Impact Area\* for this Project\* all traffic generated by University Place shall be deemed project traffic for University Lakes.
- M. "Vertical Development\*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.

#### **SECTION 4. 380 REVIEW AGREEMENT\*, APPROVALS, AND DEVELOPMENT COMPONENTS**

- A. Some of the impacts of the University Lakes DRI have been reviewed in conjunction with the impacts of the proposed University Place DRI under the terms of the 380 Review Agreement\*. The 380 Review Agreement\* provides for the accumulative assessment of the impacts of both projects on the issues of transportation, air quality, affordable housing, and listed species.

Tables 1 through 4 list the appropriate land uses for University Lakes (Tables 1 and 2) and University Place (Tables 3 and 4) under the designations used by the respective Counties and the designations used in Section 380.0651, Florida Statutes, in parentheses ( ).

- B. Subject to the possible exchange of land uses as described elsewhere herein, the Project\* consists of the land uses, square footage, dwelling units, and approximate area described in Columns A through D of Table 1 and the land uses, square footage, dwelling units, and approximate area by phase as described in Table 2. Phase I of the Project\* is approved subject to the conditions found within this Development Order. A Certificate of Level of Service has been issued for the land uses listed in Phase I, Table 2 until April 30, 1999. A new Certificate of Level of Service must be obtained for all preliminary site plans approved for Phase 1 after April 30, 1999. Phases II, III, and IV are conceptually approved. Approval of Phases II, III, and IV is contingent upon further Section 380.06(6) review on the following issues: transportation, air quality, and affordable housing. The review of transportation, air quality, and affordable housing for Phases II, III, and IV shall be based on a cumulative assessment of the impacts created by the Combined Projects\*. The conditions of approval of Phase I of the Combined Projects\* with respect to the impacts that were cumulatively assessed, shall not necessarily apply to subsequent phases. In addition to obtaining a Development Order amendment, Certificates of Level of Service must be obtained for Phases II, III, and IV, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code.

TABLE 1 UNIVERSITY LAKES DEVELOPMENT COMPONENTS				
Column A Map H Land Use (Section 380.0651 F.S. Designation)	Column B Number Acres *****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential (Residential)	704.0	n/a	3,137	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial* (Retail)	40.3	1,060,000	n/a	Land Area increased by 6 acres or increase by 50,000 s.f. of gross floor area, or the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
Hospital	32.0	180,000	n/a	
Neighborhood Commercial** (Retail)	37.5	381,000	n/a	
General Commercial*** (Retail)	28.0 (21.0)	400,000 (150,000)	n/a n/a	
(Hotel and Motel)	(7.0)	(250,000/ 300 rooms)	n/a n/a	75 rooms
Business (Office)	126.4 (63.2)	1,968,000 (787,200)	n/a	Land area increased by the greater of 5% or 6 acres, whichever is greater, or gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
(Industrial)	(63.2)	(1,180,800)	n/a	
Right of Way	178.4			
Recreation	330.4			
Wetlands/Mitigation	376.9			
Lakes****	358.8			
Open Space	210.0			
<b>TOTAL</b>	<b>2,422.5</b>	<b>3,989,000</b>	<b>3,137</b>	

\* Acreage and square footage are referred to as Regional Commercial in the ADA\*.  
 \*\* Acreage and square footage are referred to as Community Commercial in the ADA\*.  
 \*\*\* Acreage and square footage are referred to as Highway Commercial in the ADA\*.  
 \*\*\*\* Additional lakes will be constructed within the Project\* as required by the stormwater management system.  
 \*\*\*\*\* Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on revised Map H.



**TABLE 2  
UNIVERSITY LAKES PHASING SCHEDULE**

Map H. Land Use Designation (§380.0651, F.S., Designation)	Phase I 1992-2004 ♦	Phase II 2005-2009 ♦	Phase III 2010-2014 ♦	Phase IV 2015-2019 ♦	Total
Residential Dwelling Units					
Single Family	791	360	243	330	1,724
Single Family Attached	164	155	123	29	471
Multi-Family	655	287	0	0	942
Total (Residential)	1,610	802	366	359	3,137
General Commercial** s.f. (Retail)	279,857	780,143	0	0	1,060,000
Hospital		150 beds/180,000			
Neighborhood Commercial** s.f. (Retail)	87,000	135,885	0	158,115	381,000
Business s.f.	483,000	521,520	404,180	559,300	1,968,000
(Office)	(183,200)	(208,608)	(161,672)	(223,720)	(787,200)
(Industrial)	(289,800)	(312,912)	(242,508)	(335,580)	(1,180,800)
General Commercial*** s.f.	250,000	150,000	0	0	400,000
(Retail)	(0)	(150,000)	0	0	(150,000)
(Hotel and Motel)	(250,000/ 300 rooms)	(0)	0	0	(250,000/ 300 Rooms)
Recreational Facilities****		Tennis & Boat Club+, Park Golf Course & Park			

\* Acreage and square footage are referred to as Regional Commercial in the ADA.  
 \*\* Acreage and square footage are referred to as Community Commercial in the ADA.  
 \*\*\* Acreage and square footage are referred to as Highway Commercial in the ADA.  
 \*\*\*\* Phasing of recreational facilities may be accelerated in accordance with the provisions of Sections 4.B., C. and E.  
 + The Boat Club shall be located on the 160 ± acre manmade lake and shall contain facilities for launching and dockage for wet storage of not more than 20 watercraft and dry storage for not more than 30 watercraft. Small craft not commonly moored, such as sailboards, canoes, paddle boats, and similar non-motorized craft, and assorted storage facilities for such small craft shall not count against this limitation, and such craft may be used on the manmade lake.  
 ♦ Buildout date is September 13th of each year indicated.

**TABLE 3  
UNIVERSITY PLACE DEVELOPMENT COMPONENTS**

Sarasota County Land Use Designation (Section 380.0651, F.S., Designation)	Number Acres	Square Feet
Interstate Regional Office Park (Office)	250.0	1,532,000
Major Employment Center (Office)	727.6	(2,623,267)
(Industrial)		(3,934,883)
(Retail)		(109,860)
Open use Conservation	395	
<b>Totals</b>	<b>1,372.6</b>	<b>8,200,000</b>

**TABLE 4  
UNIVERSITY PLACE PHASING SCHEDULE**

Sarasota County Land Use Designation (Section 380.0651, F.S., Designation)	Phase I	Phase II	Phase III	Phase IV	Total
Interstate Regional Office Park s.f. (Office)	436,600	365,334	365,333	365,333	1,532,000
Major Employment Center s.f.	957,600	555,219	555,219	559,219	2,623,267
(Office)	1,435,600	832,828	832,828	832,827	3,934,083
(Industrial)	40,000	23,287	23,287	23,288	109,860
<b>Total</b>	<b>2,869,200</b>	<b>1,776,668</b>	<b>1,776,667</b>	<b>1,780,665</b>	<b>8,200,000</b>

The amounts of residential, retail, hotel and motel, office, and industrial uses shown in Table 1 above within the Project\* can be exchanged, with Board of County Commissioners approval of a revised General Development Plan, to allow flexibility in

the exact land use mix shown in Columns B, C, and D of Table 1, above, and within each individual Phase shown in Table 2, provided that the following conditions are satisfied:

1. No land use category in the final Project\* shall contain more development than that reflected in Table 1 Columns B, C, and D, plus that amount reflected in Column E.
  2. The following uses designated in Table 1, shall not be reduced by the Developer\* below the amounts set forth in Table 1, except as described elsewhere herein in specific provisions pertaining to those uses: lakes, recreation, wetlands/mitigation open space.
  3. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 500 dwelling units.
  4. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 400,000 square feet of General Commercial.
  5. The mix of approved uses within an individual Phase shall not be increased by more than 170,000 square feet nor decreased by more than 100,000 square feet of Business.
  6. The mix of approved uses within an individual Phase shall not be increased nor decreased by more than 75 hotel rooms.
  7. All other uses not specifically mentioned in Paragraphs 3, 4, 5, and 6 above shall not be subject to an exchange pursuant to this section.
- C. In seeking approval of a specific Land Use Exchange, the Developer\* shall prepare a request which demonstrates that the impacts generated by the proposed land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation which are authorized in this Development Order and in any Certificate of Level of Service Compliance (CLOS) issued for that Phase. Additionally, the Developer\* shall demonstrate that the proposed land use mix will not generate additional demand for affordable housing beyond the amount for which the supply of affordable housing has been demonstrated to be available and is described in Sections P.(1) and P.(2) of this Development Order. If the impacts of a specific land use exchange exceeds the impacts authorized and approved for that phase in the Development Order, then the land use exchange shall be denied. As to the CLOS, the Developer\* must apply for a modification to the CLOS and if the proposed land use exchange results in impacts in excess of those previously approved, the Developer\* may be granted approval for that excess only if and when capacity is available and in conformance with other provisions of this Section 4. However, reapplication shall not cause the Developer\* to lose capacity already approved in the Certificate of Level of Service for that Project\*. If the request for a land use exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a land use exchange must include a revised General Development Site Plan which will include a revised Table 2 showing the reallocation of square footage or units. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan. Upon submission of a request to the County\* to implement this section of the Development Order, all application materials and information necessary to support approval of such a request shall be provided to the Department of Community Affairs, TBRPC, SWFRPC, and Sarasota County by the Developer\*. The Developer\* shall provide written notification to the Department, TBRPC, SWFRPC, and Sarasota County of the approval or denial of any land use exchange requested by the Developer\*. With the submittal of any Notice of Proposed Change requiring changes to this Development Order, the Revised Master Development Plan and Phasing Schedule shall be amended to reflect any Land Use Exchange(s) that

have been approved since the issuance of the Development Order or last amendment to the Development Order. Such change considered by itself shall not constitute a substantial deviation. Changes to the Phasing Schedule under this paragraph do not include extensions to the buildout date.

The land use exchange request shall contain information sufficient to enable the County\* to determine that the impacts of the revised land use mix do not exceed the impacts of the land use mix being replaced. The quantifiable impacts will be measured based upon the relevant factors then currently used by the County\* (e.g., ITE trip generation rates, EDU tables, solid waste generation factors, etc.) The Developer\* shall verify the appropriate factors with County\* staff prior to the submittal of any such land use exchange request.

The traffic impacts of the revised land use mix shall be deemed by the County\* not to exceed the approved traffic impacts of the land use mix being replaced so long as the change does not increase the peak hour total traffic and the relative proportions of trips produced by attractors and the trips produced by generators remains substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County\*, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County\*.

Attached hereto as Attachment #5 is a table of conversion factors for equating only traffic impacts of land use exchanges. The incorporation of this land use exchange mechanism shall not operate to permit the Developer\* to develop any land use which will generate peak hour trips in excess of the total number of peak hour trips for which it has obtained specific development order approval.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County\* for review and approval, pursuant to notice of change as required by Subsection 380.06(19), F.S., which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of this Development Order. Any departure in Project\* buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), F.S.

Any specific land use exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan. The land use exchange may not be exercised more than once in any calendar year.

- D. The list of required transportation improvements described in Tables 5 and 6 are triggered by the construction of Phase I of the Combined Projects\*. In the event that at any time the amount of development authorized in the University Place Development Order is less than that shown as Phase I Table 4 of this Development Order, the Developer\* may submit a Notice of Proposed Change requesting a Development Order amendment to increase the amount of development in Phase I of University Lakes by an amount equal in impacts to the University Place reduction. In reviewing such a Notice of Proposed Change, transportation issues shall not form the basis of a recommendation of substantial deviation if the impacts (trip generation or distribution) on transportation facilities remain essentially the same. Nothing herein shall operate as a waiver of the Developer's\* obligation to obtain a CLOS for any and all development which the Developer\* proposes to transfer from University Place to University Lakes. In making a request under this Section 4.D., the Developer\* must meet all of the following conditions:

1. The impacts of the proposed change do not exceed the impacts which were approved in the Development Order, or any amendments thereto, for potable water, wastewater treatment, solid waste disposal, mass transit, drainage, affordable housing, and parks and recreation.

2. The Developer\* must further demonstrate that the request is consistent with applicable provisions of the Comprehensive Plan and the Land Development Code.
3. The amount of any increase in any Land Use Category may not exceed the limitations set forth in Table 1 Column E above.
4. The County\* shall not be required to approve any increase to Phase I of University Lakes unless adequate capacity exists to serve such increase and assurance of corresponding decrease is demonstrated to the County's\* satisfaction, in Phase I of University Place.
5. In the event that the amount of development is increased for Phase I of University Place after approval of an increase of the permitted uses, density, or intensity for Phase I of University Lakes under this Section 4.D., then this entire Development Order shall be subject to an additional substantial deviation review to address the impacts of development which was previously added to University Lakes.

The intent of this provision is not to alter the size or land use mix of the Combined Projects\* at buildout. There is no intent to change the land uses actually approved for University Lakes. It is intended to provide flexibility in the timing of development between phases of the respective projects in response to economic development opportunities or development constraints. The applicability of this provision "D" is limited to Phase I pending further review of additional phases.

- E. To foster intergovernmental coordination in the administration of University Lakes and University Place, the Developer\* will furnish to the Sarasota County Planning Department, the SWFRPC, and the City of Bradenton for review and comment, copies of all Annual Reports (together with any documents required to accompany said Annual Reports), any applications or submissions by the Developer\* under this Section 4, and any revisions to University Lakes resulting from determinations by the County\* under this Section 4. Further, the Developer\* shall furnish to the County\* copies of all Annual Reports (together with any documents required to accompany said Annual Reports) regarding University Place.
- F. No provision of this Development Order shall serve to approve uses which were not previously reviewed and approved for University Lakes or which are inconsistent with the Manatee County Comprehensive Plan, including the WO-E Overlay District.

## **SECTION 5. DEVELOPMENT CONDITIONS**

### **Transportation**

- A.(1) The cumulative Phase I University Lakes and University Place transportation analysis conducted under the 380 Review Agreement\* determined the need for the roadway segment and intersection improvements described in Tables 5 and 6 below:

**TABLE 5**

**PHASE I REQUIRED LINK IMPROVEMENTS**

Roadway Segment Improvement Number	Road Segment Name (From and To)	Total Traffic Peak Hour LOS Prior To Improvement	Applicable Peak Hour Level of Service	Development Traffic As A % of LOS Peak Hour Capacity	Required Improvement To Restore Level of Service	Total PM Peak Hour External Trips for Combined Projects Before Need ♦
1	Fruitville Road From I-75 to Tatum Road	F (in EB) C (in WB)	C C	12.1 (in EB) 8.3 (in WB)	Widen to 4 Lanes	2,129
2	University Parkway From I-75 To North/South Road	F (in EB) F (in WB)	D D	103.2 (in EB) 178.5 (in WB)	Widen to 6 Lanes	2,733
3	Honore Avenue ♦ ♦ ♦ ♦ From University Parkway to 17th Street	F (in NB) C (in SB)	C C	58.1 (in NB) 30.3 (in SB)	Widen to 4 Lanes	3,403
4	I-75 From SR 681 To Jacaranda Blvd.	C (in NB) E (in SB)	C C	3.9 (in NB) 7.5 (in SB)	Widen to 6 Lanes	4,279
5	North/South Road ♦ ♦ ♦ From University Parkway To Cypress Banks	F (in NB) D (in SB)	C C	116.1 (in NB) 60.7 (in SB)	Widen to 4 Lanes	4,279
6	North/South Road ♦ ♦ ♦ From Cypress Banks To SR 70	D (in NB) D (in SB)	C C	68.3 (in NB) 34.7 (in SB)	Widen to 4 Lanes	4,279
7	I-75 From Clark Road To SR 681	C (in NB) D (in SB)	C C	4.3 (in NB) 8.3 (in SB)	Widen to 8 Lanes	4,434

♦ This column represents the cumulative number of peak hour external trips for the Combined Projects\* before the need of the identified improvements for Phase I Land Uses as depicted in Tables 2 and 4 for both University Lakes and University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment\*.

♦ ♦ ♦ North/South Road refers to Upper Manatee River Road and lies to the west of the 160 acre lake.

♦ ♦ ♦ ♦ As an alternative to this improvement and in lieu thereof, the following improvements shall satisfy the requirement to restore Level of Service:  
 (i) Brown Road from University Parkway to Fruitville Road - Construct two (2) lanes; and  
 (ii) DeSoto Road from Longwood Run to Brown Road - Construct two (2) lanes; and  
 (iii) East/West Collector from Honore Avenue to Brown Road - Construct two (2) lanes.

**TABLE 6**

**PHASE I REQUIRED INTERSECTION IMPROVEMENTS**

Required Intersection Improvement Number	Intersection Name and Location	Total Traffic Peak Hour LOS Prior To Improvement	Applicable Peak Hour Level of Service	Development Traffic As A % of LOS Peak Hour Capacity	Required Improvement To Restore Level of Service	Total PM Peak Hour External Trips for Combined Projects Before Need ♦
1	Clark Road at I-75 East	F	C	6.2%	Dual Lefts	2,831
2	Bee Ridge Road at Cattleman Road	F	C	7.3%	Dual Lefts	3,970
3	University Parkway at I-75 East	F	D	76.2%	Loop Ramp	3,867
4	University Parkway at I-75 West	D	D	76.2%	Loop Ramp	3,867

♦ This column represents the cumulative number of peak hour external trips for the Combined Projects\* before the need of the identified improvements for Phase I Land Uses as depicted in Tables 2 and 4 for both University Lakes and University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

- A.(2) The improvements listed in Tables 5 & 6 include a critical link and intersection improvements for the development of Phase I of the Project\*.

In the event that Funding Commitments\* for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development, the capacity and loading of transportation facilities in the Transportation Impact Area\*, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases for the Combined Projects\* have been identified in Tables 5 and 6 together with subphase time frames that were used in the subphase study. An initial subphase of 2,129 external p.m. peak hour trips for the Combined Projects\* has been identified as requiring no transportation improvements. The Developer\* shall, at the time of each application for Final Site Plan approval, furnish to the County\* an accurate, up to date report of the amount of development, defined in terms of external p.m. peak hour trips, which has previously been permitted in the Combined Projects\*. The Developer\* shall not be entitled to a Final Site Plan approval which would result in the cumulative number of external p.m. peak hour trips for the Combined Projects\* to exceed the applicable subphase threshold unless Funding Commitments\* have been obtained for improvements required for such subphase.

In the event that the total external p.m. peak hour trips projected to be generated by the Combined Projects\* has exceeded the levels described in Tables 5 and 6 by the expiration of the Annual Report Years listed in Tables 5 and 6 for the appropriate uncommitted improvement, no further Final Site Plan approvals shall be granted unless the Developer\* using the notice of change procedure has prepared an analysis which identifies the revised dates by which said improvement would be required under the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels and dates.

The Developer\* shall be bound by the subphase external trip thresholds and schedules set forth in Tables 5 and 6, unless the Developer\* files a Notice of Proposed Change and provides the County\*, pursuant to the notice of change procedures, an updated subphase traffic analysis for the Transportation Impact Area\* that will result from the completion of construction of all of the previously permitted development in the Combined Projects\* plus that to be generated by the next subphase for which the Developer\* is seeking approval, and such proposed change is approved. Copies of such notice of proposed change for revised subphase transportation analysis shall be submitted to Manatee County, Sarasota County, TBRPC, and SWFRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Tables 5 and 6) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table 5 and 6 at the appropriate Level of Service. In the event that the new analysis demonstrates the need for alternate improvements or different subphase thresholds, the Development Order may be amended to reflect the revised subphases or improvements. With each Preliminary Site Plan application, the Developer\* shall submit to the County\* a limited traffic study which shows the following:

1. External P.M. peak hour trips for the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvements in Table 5 & 6 will be required; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the project covered by the Preliminary Site Plan application.

Any revised transportation analysis for the Combined Projects\* shall utilize the adopted Sarasota County Level of Service, or that of any agency with jurisdiction, whichever Level of Service is higher, for determining deficiencies on all roads in Sarasota County. If deficiencies exist on said roadways, then Funding Commitments\* to correct such deficiencies shall be required in accordance with this Paragraph A.(2).

- A.(3) The Developer\* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project\*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway.

That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.

- A.(4) The Developer\* shall provide adequate sidewalks along all streets and roadways throughout the Project\* as required by the Manatee County Land Development Code.
- A.(5) As the Project\* lies within the future Manatee County transit service area, the Developer\* will work with the County\* to coordinate the provision of transit service to the area in conjunction with development of University Lakes.
- A.(6) Within three years of the effective date of this Development Order or at the request of the County, an annual monitoring program consisting of peak hour traffic counts at the Project\* entrances shall be instituted to verify that the projected number of external trips for the Project\* are not exceeded. Counts will continue on an annual basis through Project\* buildout, and the information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts for the Project\* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments.
- A.(7) The transportation analysis in the ADA\* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in Tables 5 and 6 may reflect a "worst case" scenario, dependent upon future TSM measures.

The Developer\* or its assigns shall prepare and implement a TSM program which will endeavor to divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and be reviewed by the County\*, the MPO, and the FDOT.

The TSM program shall be submitted with the first annual report subsequent to the monitoring program in Section A.(6) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and University Place.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments which increase the applicable development thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The TSM Program shall seek to further the TSM objectives and Policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

- (a) promote ride sharing by public and private sector employees;
  - (b) increase urban area peak hour automobile occupancy rates through expanded ride sharing efforts;
  - (c) increase peak hour occupancy rates for transit and other high occupancy vehicles; and
  - (d) other appropriate trip diversion measures.
- A.(8) To allow for the finalization of interchange design relative to Improvements #3 and #4 in Table 6, Developer\* agrees to reserve, until January 28, 1998, the property which it owns and which lies within the following description:

Commence at the easterly corner of the existing FDOT right of way north of University Parkway where the limited access terminates, thence westerly along the FDOT right of way, a

distance of 650 feet to the Point of Beginning. From the Point of Beginning, proceed northwest a distance of 1,500 feet to the existing FDOT right of way, thence southeasterly and easterly to the Point of Beginning.

This restriction shall expire on January 28, 1998. If the right of way is dedicated by the Developer\* or otherwise acquired by the appropriate governmental agency, then the Developer\* may transfer the impacted land uses to other appropriate areas within the Project\* with approval of a revised General Development Plan.

- A.(9) The Developer\* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. The Developer\* shall further meet the requirements of Section 8. of this Development Order.
- A.(10) The schedules of listed improvements may be adjusted at the Developer's\* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate agencies determine that:
- (a) the Project\* is determined by the County\* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or
  - (b) the appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.
- A.(11) The roadway shown on Revised Map H, which generally is oriented in a north/south alignment and connects to the proposed extension of Upper Manatee River Road, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction. (The requirements of Condition A.(11) have been completed)
- A.(12) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.

#### Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (FRSRPP\*) have been designated on Revised Map H.
- (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas, as shown on Revised Map H, shall be preserved. No dredging, filling, or development activities shall be allowed within Preservation Areas.
  - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised Map H.
- B.(2) Except for wetland restoration or enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised Map H. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results



demonstrate that Project\* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.

- B.(3) Any impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised Map H, shall be mitigated in accordance with the Manatee County Comprehensive Plan and Land Development Code and the TBRC's SRPP Policies.
- B.(4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer\* shall submit a wetland management and mitigation plan for the area to be developed to the County\* for approval, and to TBRPC, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County\*) wetlands.

The Developer\* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County\*:

- (a) Identification of existing dry and wet season site conditions;
- (b) Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;
- (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
- (d) Narrative descriptions of any proposed wetland restoration activities and related issues;
- (e) Estimated costs of wetland mitigation/restoration schemes including maintenance and monitoring for appropriate time periods; and
- (f) Mitigation plans shall also include:
  - (1) Area and location of plantings;
  - (2) Species to be planted and spacing;
  - (3) Elevations for plantings;
  - (4) Source of plants or mulch;
  - (5) Source of wetland soil and depth proposed; and
  - (6) Monitoring and maintenance plans.

- B.(5) If allowable wetland losses require type-for-type (herbaceous or forested) wetland replacement in accordance with stipulation B.(3), mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland or littoral shelf shall meet or exceed Manatee County Comprehensive Plan and Land Development Code success criteria and the TBRC's SRPP Policies. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

- B.(6) The Developer\* shall provide buffering around all Post-Development Wetlands\* to provide an upland transition into the wetland areas and to protect natural systems

from development impact. All such buffers shall be in compliance with the Manatee County Land Development Code.

### Vegetation and Wildlife

- C.(1) A cumulative assessment of the impacts of the Combined Projects\* on listed plant and animal species has been performed as required by the 380 Review Agreement\*. The Developer\* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised Map H. In addition, Developer\* shall retain large pines (> 4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. The specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the FGFWFC for comment. However, as the Developer\* is planning a large wildlife management area on University Place, the Developer\* has prepared (pursuant to the 380 Review Agreement\*) a wildlife management plan, as revised June 16, 1992, for the 395 acre Open Use Conservation District within University Place which provides additional protection of any listed species found on University Lakes and University Place. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.

In the event that University Place is not approved by Sarasota County with the 395 acre Open Use Conservation District within one (1) year of the effective date of this Development Order or if such Open Use Conservation District is reduced in size by more than ten (10) acres, then within one (1) year of either such date or action the Developer\* shall prepare a wildlife management plan to address the impacts of the Project\* on any listed species found on University Lakes, except for the gopher tortoise. The Florida Game and Fresh Water Fish Commission (FGFWFC) found that a regionally significant population of gopher tortoise does not exist on University Lakes. However, any taking must comply with FGFWFC rules and the Developer\* must obtain a gopher tortoise incidental take permit from the FGFWFC. If a management plan is prepared, pursuant to this paragraph, the plan shall be submitted to the FGFWFC and the Department of Community Affairs for review and to the County\* for review and approval.

- C.(2) The Developer\* shall provide small wildlife crossings (18" culverts) under roadways at the two locations where the north/south collector roadways intersect with Cooper Creek.
- C.(3) In accordance with applicable law, the Developer\* shall coordinate with the Florida Department of Agriculture and Consumer Services and the County\* for proper relocation of any listed species found on-site in addition to the requirements of C.(1) above.
- C.(4) Representative tracts of all major natural upland vegetative communities (Live Oak, Pine-Mesic Oak, Pine Flatwoods, Temperate Hardwoods), as depicted on Revised Map H, shall be set aside in their natural state to serve as conservation areas.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the EAC consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Areas designated as Preservation Areas on Revised Map H shall be protected in perpetuity by conservation easement or other legal instrument approved by County\*.

### Land

- D.(1) The Developer\* shall initiate the following procedures to ensure erosion control during development of the Project\*:
- (a) Sod, seed, or plant embankment areas of stormwater detention or retention ponds;
  - (b) Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;

- (c) Limit clearing and site work, construction, and clearing to areas needed for immediate development;
- (d) Develop asphalt roads as soon as possible;
- (e) Initiate landscaping before development work is completed on a site;
- (f) Construct sediment basins at the start of each drainage system phase;
- (g) Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points;
- (h) Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis; and
- (i) Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on Revised Map H.

### Air Quality

- E.(1) The Developer\* shall, subject to applicable water quality standards, institute the following procedures to ensure dust control during development of the Project\*:
- (a) Implement a watering program during excavation and dredge and fill operations;
  - (b) Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
  - (c) Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
  - (d) Keep soil stockpiles moist, or treat with soil binders or cover;
  - (e) Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
  - (f) Remove dust producing materials as soon as possible;
  - (g) Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
  - (h) Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
  - (i) Limit site work and construction to areas needed for immediate development;
  - (j) Develop asphalt roads as soon as possible;
  - (k) Initiate landscaping before development work is completed on-site; and
  - (l) Utilize water spray trucks to control dust generation in heavy construction areas.
- E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phases II, III, and IV. This Development Order\* must be amended prior to granting specific approval to Phases II, III, and IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the Combined Projects\*.

**Water Quality and Drainage**

- F.(1) Prior to any site alteration associated with the Project\*, the Master Drainage Plan for the Project\* shall be submitted to DER, SWFWMD, and EAC for review and to the County\* for approval. (The requirements of Condition F.(1) have been completed)

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapter 17-25, 40D-4, and 17-40, F.A.C. The stormwater management system shall be designed to comply with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment, at a minimum, of 150% of the criteria found in Chapter 17-25 and 40D-4, F.A.C. Nothing in this Section F.(1) shall be construed as a waiver by the Developer\* of any vested rights, if any, pertaining to approved (as depicted in an approved Preliminary Site Plan for that Phase or subphase) or constructed stormwater facilities. With the exception of any such vested rights, if any, the Project\* shall also comply with any special local watershed protection provisions adopted after the approval of this Development Order. An acceptable method for meeting such standards for the treatment of stormwater runoff for the majority of the site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2 of the ADA.

- F.(2) Best Management Practices\* (BMP) for reducing water quality impacts, as recommended by the County\* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and may include a street cleaning program for parking and roadway areas within the Project\*.

- F.(3) The Developer\* shall be the entity responsible for maintaining the stormwater management system. The Developer\*'s maintenance and inspection schedule for ensuring proper water quality treatment shall be submitted to the County\* for approval, prior to site alteration activities associated with the Project\*.

- F.(4) Stormwater discharge shall not cause the receiving water body to violate the limits defined in the Class appropriate to that water body. Where background conditions in the water body in question do not meet the applicable standards due to natural causes outside the control of the Developer\*, site specific, alternative criteria may be established in conjunction with the County\*.

- F.(5) Prior to any site alteration activities associated with the Project\*, the Developer\* shall implement a surface water quality and quantity monitoring program approved by the County\* (Completed). This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include provisions for the characterization of pre-construction baseline water quality and quantity conditions of surface water entering and leaving the site. The surface water monitoring program shall also provide the monitoring of surface water quality during periods of construction. In addition, the surface water monitoring program shall include an ongoing plan for monitoring of post-construction surface water quality. The surface water quality monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements. All water quality sample collections and laboratory analyses shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the FDHRS and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

- F.(6) Prior to any site alteration activities associated with the Project\*, the Developer\* shall implement a groundwater monitoring program approved by the County\* and EAC. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include appropriate provisions for the characterization of the pre-development baseline water quality and water level conditions of the site's groundwater. The groundwater monitoring program required pursuant to this condition shall include an identification of well locations, sampling frequency, and sampling duration, as well as parameters to be monitored and applicable collection and analytical methods. (Completed)

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County\* for review and approval. In addition to the official laboratory results, the report shall include recommendations regarding monitoring during construction and post-construction. Any proposed construction and post-construction monitoring plans developed pursuant to this condition shall be submitted to the County\* for review and approval.

- F.(7) In the event that an overall watershed monitoring and reporting program is implemented and satisfies the intent of conditions F.(5) and F.(6), these programs may be discontinued upon the recommendation and approval of such by the County\*. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.
- F.(8) To the extent required by applicable law, any shoreline banks created along on-site stormwater detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, diverse native emergent and submergent vegetation. The Developer\* shall ensure, by supplemental replanting, if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) in accordance with applicable regulations.
- F.(9) The Developer\* shall conduct annual inspections of the environmental swale systems on the Project\* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each Annual Report.
- F.(10) Prior to any site alteration, the Developer\* shall develop and submit for approval by the County\* an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP). (Completed)

#### Historical and Archaeological Sites

- G.(1) The discovery of any historical or archaeological resources during development activities of the University Lakes Project\* shall be immediately reported to the Florida Division of Historical Resources (FDHR). If the significance of an archaeological or historical site, discovered during development, is unknown and the site is to be impacted by Project\* activities, additional testing shall be required at the site to determine significance. Disposition of such resources shall be determined in cooperation with the FDHR, TBRPC and Manatee County. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue.

#### Water

- H.(1) The Developer\* shall participate, as required by Manatee County ordinances and consistent with any Developer Agreements, in any necessary expansion of potable water service to each phase or subphase of the Project\* to assure that adequate potable water capacity exists to accommodate the Project\*.
- H.(2) The Developer\* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H.(3) The Developer\* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.

- H.(4) The Developer\* shall maintain all water lines and fire hydrants not dedicated to the County\*.
- H.(5) The Developer\* shall, to the extent non-potable water is available, use only non-potable water to meet non-potable water demands. For purposes of this Approval, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer\* shall submit an acceptable plan to the County\* and the TBRPC for the use of non-potable water on-site. The plan shall be completed prior to Final Site Plan approval for any phase or subphase and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes, to the extent permitted by law. (Completed)
- H.(6) Adequate fire flow and water pressure shall be maintained within the Project's\* water supply system.
- H.(7) The Developer\* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area (WUCA) to the extent then in effect.
- H.(8) The Developer\* shall use the lowest quality water supply which meets the needs of the intended use, provided that such sources are economically feasible, practically available, and legally permissible.
- A plan which investigates the use and feasibility of these alternatives shall be prepared by the Developer\* and submitted with the first Annual Report to TBRPC, SWFWMD, the County\* for review and further action if warranted. (completed)
- H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall only be irrigated to the minimum extent required to ensure healthy vegetation.

#### Wastewater

- I.(1) The Developer\* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of wastewater service to and consistent with any Developer Agreements for each phase or subphase of the Project\* to assure that adequate wastewater capacity exists to accommodate the Project\*.
- I.(2) No additional permanent septic system shall be permitted within the Project\*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County\* regulations.
- I.(4) The Developer\* shall submit to the County\*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer\*. This plan must be approved by the County\* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs must be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39).
- I.(6) The Developer\* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

#### Solid Waste

- J.(1) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals\* for any non-residential land use within the Project\*, whichever occurs later, the Developer\* shall prepare a hazardous

substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed by DEP, TBRPC, approved by the County\*, and then distributed by the Developer\* to non-residential land users within the Project\*.

At a minimum, the plan shall:

- (a) Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
- (b) Provide a list of agencies which can be consulted regarding the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
- (c) Provide a list of agencies which can describe generally appropriate disposal methods;
- (d) Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances and disposal of hazardous wastes;
- (e) Provide a list of agencies which can describe construction requirements for hazardous waste holding areas;
- (f) Describe a program to inform owners and tenants of the information contained in the Plan;
- (g) Provide a list of agencies which can describe typical spill clean up methods; and
- (h) Be updated and distributed to each non-residential land user annually.

(Said Plan has been approved)

- J.(2) All Project\* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
- J.(3) The Developer\* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of solid waste service to each phase or subphase of the Project\* to assure that adequate solid waste capacity exists to accommodate the Project\*.
- J.(4) Surface impoundments of hazardous materials and hazardous wastes, land treatment of hazardous materials and hazardous wastes and landfills for hazardous materials and hazardous wastes are prohibited.
- J.(5) Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall be encouraged to develop permittable temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.
- J.(6) All aboveground and underground pollutant storage tanks systems will be installed, monitored and managed according to applicable Federal, State, and Local regulations.

### **Recreation and Open Space**

K.(1) The Project\* shall contain, at a minimum, 403.4 acres of open space (approximately 350.4 acres of wetlands and an estimated minimum of 26.5 acres of mitigation) in addition to approximately 490.8 acres committed to recreation (a 22.6 acre park, a 16.1 acre tennis/boat club, 291.7 acres of golf course, and a lake of some 160.4 acres).

Notwithstanding the above, if the County\* should decide the 22.6 acres of park is not needed, then the Developer\* shall be able to use the applicable parcel for residential development or as a school site, provided the number of dwelling units is not increased.

K.(2) All recreation and open space areas not deeded to the County\* or other state agencies shall be maintained as common open space through deed restrictions or owned by a property owners' association for the Project\* or neighborhood within the Project\*, as may be appropriate in accordance with the Land Development Code.

K.(3) Except as described in K.(1) above, all recreation, park, and wetland sites, as shown on Revised Map H of the ADA\*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.

K.(4) The Project's\* public parks and public recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged and may be subject to a reasonable agreement between the County\* and the Developer\* limiting the use as a park facility and times of operation.

### **Education**

L.(1) The Development shall dedicate an elementary school site either adjacent to, or having direct access on, a constructed county-maintained right-of-way and meeting all State and Manatee County new school site requirements upon request by the School Board. The school site shall be deemed to be a part of the Phase I approvals for the Project\* and shall be shown on an amendment to the General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. The dedicated school site shall be a minimum of 18 acres, depending upon the characteristics of the site selected and said site shall be selected from property shown as residential, commercial, or business on Revised Map H, and shall be reflected on a revised General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. If the Developer\* and the County School Board agree, the dedicated school site may be located off-site on property owned by the Applicant\*. If adjacent property is provided as a public park or for emergency services, this acreage may be reduced to a total of fifteen acres.

L.(2) If the County School Board should decide the school is not required, or the selected location is inappropriate, the Developer\* shall be permitted to exchange sites, to the School Board's satisfaction, and shall be permitted to use the originally selected parcel for residential development, provided the number of dwelling units approved for the Project\* is not increased. Any such exchanges in school sites shall require an amendment to the General Development Plan. If additional recreational opportunities are required, the County\* may require dedication of up to five acres of the designated school site parcel for active recreation.

### **Health Care, Police, and Fire**

M.(1) The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for emergency medical services. The Developer\* may, with the concurrence of the County\*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County\* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County\* and the Developer\*, shall be reached prior to December 31, 1997. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.



- M.(2) The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer\* may, with the concurrence of the County\*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County\* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County\* and the Developer\*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development\* for Phase I or any subphase thereof. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. (Completed)
- M.(3) The Project\* shall be designed and constructed to meet or exceed specifications of the applicable Fire Code.
- M.(4) The height of buildings allowed in the Project\* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M.(5) Prior to approval of each Final Site Plan, the Developer\* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size; and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer\* shall provide calculations by a Florida registered engineer to the County\* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire Department that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project\* by the County\*.
- M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project\*. The Developer\* shall participate, in accordance with applicable County\* ordinances or Developer Agreements, in any expansion of such services necessary to serve the Project\* or any phase or subphase thereof.

#### **Economics**

- N.(1) Excess infrastructure capacity constructed by the Developer\* shall be at the Developer's\* risk and shall not vest latter development rights not addressed in this approval.
- N.(2) The Project\* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

#### **Energy**

- O.(1) Issuance of Development Approvals\* for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- O.(2) All Project\* tenants, businesses, residents, etc. shall be notified in writing by the Developer\* prior to occupancy that the following energy related practices are encouraged:
- (a) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration, where economically feasible;
  - (b) Obtain energy audits provided by energy companies or other qualified agencies;

- (c) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- (d) Use landscaping and building orientation to reduce heat gain, where feasible, for all Project\* construction;
- (e) Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- (f) Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- (g) Institute and utilize recycling programs;
- (h) Utilize energy efficient packaging or recyclable materials;
- (i) Install total energy systems on large facilities when cost effective; and
- (j) Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 265 and 266 of the ADA\* shall be required. A progress report on the energy conservation measures shall be included as a part of each Annual Report.

**Affordable Housing**

P.(1) A cumulative assessment of the affordable housing needs of the Combined Projects\* for Phase I has been performed as required by the 380 Review Agreement\*. In order to ensure that employees of University Lakes will find adequate housing opportunities reasonably accessible to their places of employment, the Developer\* shall conduct a reanalysis of Phase I development of the Combined Projects\* to determine the availability of adequate housing proximate to, or otherwise reasonably accessible to, the development. This analysis shall be submitted when the Developer\* has been issued building permits for an amount of non-residential development within the Combined Projects\* for which affordable housing units are available. It has been determined that the available supply of affordable housing (945 units) will meet 46.3% of the affordable housing demand created by Phase I of the Combined Projects\*. For the purposes of determining when the Combined Projects\* has created the need for 945 dwelling units, the following demand ratios shall be used to calculate the number of units of available supply utilized by amount and type of development:

Retail	2,411 square feet/unit
Office	1,507 square feet/unit
Manufacturing	3,192 square feet/unit
Warehouse	3,190 square feet/unit
Hotel	6 rooms/unit

P.(2) Once the Combined Projects\* have created the need for 945 affordable housing units, no further development shall be permitted in University Lakes until the Developer\*, pursuant to the Notice of Proposed Change provisions, has submitted a re-analysis of the affordable housing needs of Phase I of the Combined Projects\* and the Development Order, pursuant to the Notice of Proposed Change provisions, has been amended to incorporate appropriate mitigation measures for affordable housing. This analysis and determination shall be accomplished using a methodology reviewed by TBRPC and approved by the County\* and the Department of Community Affairs, and shall reassess the affordable housing impacts utilizing actual Combined Projects\* experience where best available data exists. The result of such analysis shall be reviewed by TBRPC and approved by the County\* and the Department of Community Affairs. If such analysis approved by the County\* and the Department of Community Affairs indicates that the development will create need for affordable housing that is not being provided by other residential developments proximate (as defined in the approved methodology) to the development and if such analysis indicates that the development would not further the creation of adequate housing opportunities reasonably accessible to places of employment (as determined by the approved analysis), then the Developer\* shall

prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this Development Order. The adoption of the HAIP as an amendment to this Development Order shall not be deemed to constitute a substantial deviation pursuant to Chapter 380.06, Florida Statutes. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency at the time of the preparation of the HAIP.

At a minimum, the HAIP shall contain:

1. Specific provisions for the delivery of affordable housing proximate to the Combined Projects\* to meet the demands created by the Combined Projects\*. In addition, the HAIP may contain specific provisions for off-site housing in lieu of on-site housing if on-site housing is not permitted or is impractical;
2. Specific mechanisms for HAIP implementation;
3. Provisions to ensure continued adequacy of units; and
4. Monitoring provisions.

In addition, the HAIP, may contain specific provisions for the contribution of monies to an Affordable Housing Trust Fund that shall be administered by the appropriate County\* agency. The method of determining the proportionate share of monies which may be required to be contributed, based upon the actual impacts of the development, shall be determined during the methodology meetings for preparation of the HAIP;

Specific approval of Phases II, III and IV is conditioned on further Section 380.06(6), Florida Statutes, (submission of a substantial deviation application for development approval) review on affordable housing, as well as the other specific issues listed elsewhere in this Development Order. The Developer\* shall conduct an affordable housing study based on a methodology agreed to pursuant to said review. If the study indicates that the additional development for which the Developer\* is requesting approval will create the need for affordable housing that is not being provided within the Project\* or within an area proximate (as determined by the approved methodology) to the Combined Projects\*, the Development Order shall be amended to include appropriate mitigation. The affordable housing needs of the Combined Projects\* shall be mitigated using those measures that are in effect at the time specific approval of a later phase is requested.

- P.(3) Payments made by the Applicant under the provisions of law may be credited against any contributions which may be required under the provisions of the HAIP or subsequent housing analyses, if requested by the Developer\* and approved by the County\*.

#### **General Conditions**

- Q.(1) Should the Project\* significantly depart from the parameters set forth in this Development Order and the ADA\*, the Project\* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project\* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall require a hearing to determine if the change constitutes a Substantial Deviation.
- Q.(2) The Developer's\* commitments set forth in the ADA\*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.
- Q.(3) Should the Developer\* divest itself of all interest in the Project\* prior to the expiration of the Development Order, the Developer\* shall designate the successor

entity to be responsible for preparation of the Annual Report, subject to approval by the County\*.

- Q.(4) All Development Approvals\* shall be obtained prior to September 13, 2019. This Development Order shall expire 5 years after the buildout date to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- Q.(5) A Preliminary Site Plan for each phase shall be required.
- Q.(6) The Developer\* shall make appropriate efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.
- Q.(7) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19)(a), Florida Statutes.
- Q.(8) The Developer\*, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County\*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- (a) Any changes in the plan of development, or in the representations contained in the ADA\*, or in the phasing or land uses for the reporting year and for the next year;
  - (b) A summary comparison of development activity proposed and actually conducted for the year;
  - (c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer\*;
  - (d) Identification and intended use of lands purchased, leased, or optioned by the Developer\* adjacent to the original DRI site since the Development Order was issued;
  - (e) An assessment of the Developer's\* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval\* and which have been identified by the County\*, TBRPC, or DCA, 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 Project\* 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 copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer\* pursuant to Subsection 380.06(15)(f), Florida Statutes;
- (j) A statement that all persons have been sent copies of the Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- (k) Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- (l) Reports or information pursuant to conditions A.(6), A.(7), J.(2), and O.(3).

Q.(9) All proposed modifications to University Lakes will be reviewed based on the Combined Projects\* to determine whether the proposed modification will exceed any of the criteria set forth in Chapter 380.06(19), Florida Statutes.

In the event the University Place Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer\* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the University Place Development Order. A Notice of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as described above, to make it consistent with the University Place Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the University Place Development Order or any settlement of an appeal of the University Place Development Order amendment, then DCA shall not appeal the amendment.

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of this Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

- Q.(10) Unless otherwise expressly stated in this Ordinance, the Project\* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.
- Q.(11) Wherever in this Development Order the Developer\* is required to file a Notice of Proposed Change, the Developer\* shall send a copy of said NOPC to Sarasota County and SWFRPC.
- Q.(12) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, the Developer\* shall pay all reasonable costs and fees of County\* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer\* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.

**Section 6. DEVELOPER\* COMMITMENTS**

The following are Developer\* commitments set forth in the ADA\* which shall be honored by the Developer\*, except as they may be superseded by specific terms of the Development Order or applicable law.

**A. GENERAL PROJECT\* DESCRIPTION**

- A.(1) The three designated community commercial areas will be developed in compliance with the adopted Comprehensive Plan in terms of permitted uses, maximum square footage, floor area ratio, and location on the road network. (SR, 17 & 18)
- A.(2) All requirements of the Evers Reservoir Watershed Overlay District will be met within this Project\*. (ADA\*, 16)
- A.(3) Neighborhood oriented retail areas will be located within the community commercial parcels which lie within the RES-1 Future Land Use Classification. (SR, 13)
- A.(4) The Project\* will construct, or cause to be constructed, two major thoroughfares, University Parkway and the extension of Upper Manatee River Road. (SR, 93)

**B. WETLANDS**

- B.(1) The existing wetlands and proposed mitigation areas will have 50-foot wetland buffers around DEP wetlands and 30-foot buffers around wetlands within the jurisdiction of ACOE and SWFWMD, as shown on Revised Map H. (ADA\*, 16)
- B.(2) A total of approximately 312.2 Acres of native wetland habitats on-site will be preserved. (ADA\*, 65)
- B.(3) Numerous precautions, described on page 33 of the Sufficiency Response, will be taken to prevent contamination of surrounding soils and waters. (ADA\*, 21)

**C. WATER**

- C.(1) The pesticides, herbicides, and fertilizers used on grassed areas of the University Lakes site will be applied in strict accordance with the manufacturer's application guidelines to avoid negative impacts on surface water quality. (SR, 175)
- C.(2) Erosion controls will be of primary importance in preventing fertilizer runoff. Soil tests will be conducted to avoid application of unnecessary types, rates, and amounts of fertilizers. Applications will be made when adequate soil moisture exists and likelihood of major storm event is minimal. (SR, 32)
- C.(3) Numerous precautions, described on page 33 of the Sufficiency Response, will be taken to prevent contamination of surrounding soils and waters. (SR, 33)

**D. SOILS**

- D.(1) All of the methods described on pages 140 and 143 of the ADA\* will be utilized to overcome the soil limitations on-site. (ADA\*, 140 & 143)
- D.(2) The wind and soil erosion abatement methods listed in the ADA\* will be followed. (ADA\*, 143)

**E. FLOODPLAINS**

- E.(1) Any loss of 100-year floodplain storage volume will be compensated by the excavation and creation of equal storage volume within the 100-year floodplain. (ADA\*, 147)

**F. WATER SUPPLY**

- F.(1) The internal potable water supply system will be constructed to Manatee County standards and dedicated to Manatee County where the potable system exists in proposed public rights-of-way. (ADA\*, 155)

- F.(2) Non-potable water conservation will be accomplished through the use of xeriscaping and preservation of existing native vegetation communities in accordance with applicable provisions in the Manatee County Land Development Code. (ADA \*, 157)

**G. STORMWATER MANAGEMENT**

- G.(1) All off-site runoff is to be routed through or around the property. There are five areas where off-site flow will be accepted into the stormwater management system, totaling 50.2 acres along the southern boundary and 12.6 acres along the northern boundary. (ADA \*, 167)
- G.(2) The stormwater management system will accept all existing off-site flows from Sarasota County. (SR, 190)
- G.(3) The primary method for treatment of stormwater runoff for virtually the entire site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2. (ADA \*, 172)
- G.(4) The wet detention system will incorporate vegetated littoral zones which will equal approximately 15 to 20 percent of the surface area of the stormwater detention ponds. Sediment sumps will be provided at all inflow locations. (ADA \*, 174)
- G.(5) The hydroperiods of all on-site wetlands will be maintained except as depicted on Revised Map H. (ADA \*, 176)
- G.(6) Water levels in the detention ponds will be designed to be compatible with wetland seasonal high water tables and existing upland water tables. (ADA \*, 183)
- G.(7) Litter and debris which is captured within the stormwater treatment ponds will be periodically removed during routine clean-up of the Project's\* open space areas and pond system. (SR, 104)

**H. SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE**

- H.(1) The Applicant will investigate the possibility of mulching trees and brush that will be removed as land clearing operations commence, for the purpose of retaining mulch to meet the on-site needs. (SR, 109)

**I. TRANSPORTATION RESOURCES**

- I.(1) The Project\* will construct or cause to be constructed University Parkway and the extension of Upper Manatee River Road. (ADA \*, 23)
- I.(2) The segment of University Parkway through the site will be dedicated to Manatee County and will include 200 feet of right-of-way. (SR, 72)
- I.(3) The Applicant is proposing dedication of all necessary right-of-way with regard to roadways located in the Project\* as shown on Revised Map H. (SR, 132)

**J. AIR**

- J.(1) The Project\* will utilize current state-of-the-art methodologies for prevention of fugitive dust particulates during construction. (ADA \*, 21)
- J.(2) Clearing and grubbing operations will be performed only on individual parcels of land where construction is scheduled to proceed. Measures to be employed to minimize fugitive dust will include sodding, seeding, mulching, or landscape planting in cleared or disturbed areas. (ADA \*, 226)

**K. POLICE AND FIRE PROTECTION**

- K.(1) The Applicant/Developer\* will provide a pro rata share for any equipment or personnel needs that may be created by this Project\* for police and fire protection

and emergency medical services in accordance with applicable regulations. (ADA \*, 25)

- K.(2) The Developer\* will provide a pro-rata share of the cost of building and equipping the facilities needed to provide emergency medical services to the Project\*. (ADA \*, 259)

**L. RECREATION AND OPEN SPACE**

- L.(1) All proposed bike and pedestrian paths will be confined to appropriate areas outside of preservation areas in accordance with applicable laws and regulations. (SR, 83)

- L.(2) The Project\* will feature pedestrian ways and bikeways throughout the development, connecting the housing area to the recreational areas and the commercial areas. (ADA \*, 9; SR, 207)

- L.(3) University Lakes will have major active recreational land uses comprising over 18 percent of the total Project\* acreage. The project will contain a tennis and swim club and boat clubhouse which will be located on the 160.4 acre lake. It will also contain a park, golf course, clubhouses, and driving ranges. (ADA \*, 9)

- L.(4) The recreational lakes, tennis and boat club, and golf course may be maintained and operated by a private owner and may require private membership or use permits. Open space and environmentally sensitive land will be protected by covenants or conservation easements to protect the natural qualities and will be conveyed to the appropriate homeowners' or master homeowners' association for maintenance. (ADA \*, 252-253)

**M. EDUCATION**

- M.(1) The Project\* will provide a financial contribution or donation of land to the educational system for the purpose of building schools to service the residential component of the Project\*, facilitating educational opportunities within close proximity for the school age children of the Project\*. (ADA \*, 24)

**N. ENERGY**

- N.(1) The Project\* will utilize both electric power and natural gas as sources of energy. Energy conservation techniques, including the use of landscaping, building orientation, and natural vegetation will be used to promote energy conservation. (ADA \*, 27)

- N.(2) If the need for an electric substation arises, a suitable location will be determined and provided to Florida Power and Light Company. (SR, 86)

- N.(3) The traditional energy conservation methods will be used in the residential and non-residential building construction. Some of these methods are:

- (a) increased insulation;
- (b) high efficiency-type mechanical appliances;
- (c) cross ventilation;
- (d) window orientation;
- (e) solar heating and cooling systems; and
- (f) low pressure sodium lamps for exterior lighting. (ADA \*, 265-266)

- N.(4) The Developer\* will implement, where feasible, the energy conservation measures described in the ADA \*. (ADA \*, p.263)



**O. AIR**

- O.(1) The Developer\* will implement the steps described in the ADA\* to minimize fugitive dust emissions from wind erosion of disturbed soil surfaces, movement of construction equipment, and burning of cleared vegetative material. (ADA\*, 226)
- O.(2) The level of service of all roadways in the Transportation Impact Area\* will be maintained at LOS D or better, thereby maintaining air quality. (ADA\*, 228)

**P. WATER SUPPLY**

- P.(1) The Developer\* will consider the use of surface water from detention ponds as a supplement to groundwater resources. (ADA\*, 154)
- P.(2) Non-potable water conservation measures will include xeriscaping and preservation of native vegetative communities. If permitted, the Developer\* would also consider the use of treated effluent from the County's\* regional wastewater treatment facilities. (ADA\*, 157)

**Q. WATER QUALITY AND DRAINAGE**

- Q.(1) The primary method of treatment will be wet detention with effluent filtration utilizing a double underdrain system. The required level of treatment will be exceeded further by the use of biological filtration utilizing vegetated shallow shelves within the stormwater detention ponds. The on-site 160 acre lake will also be incorporated into the stormwater management system providing an opportunity to utilize extended residence time as an additional mitigative measure. (ADA\*, 128)
- Q.(2) Existing on-site wetlands will form an integral part of the stormwater management system, providing a mechanism for hydroperiod maintenance, storage, and improved surface water quality. (ADA\*, 168)
- Q.(3) All major drainageways and lake outfalls will be designed based upon a 25-year/24-hour storm event as provided in the ADA\*. All interior and minor drainage systems are to be designed to a 10 year critical duration storm event. While runoff volume will increase with total development, the post-development 25-year/24-hour peak discharge rate will be maintained at or below to pre-development 25-year/24-hour peak discharge rate throughout the construction phases. (ADA\*, 171)
- Q.(4) The stormwater treatment system will meet FDEP Stormwater System Design Standards for discharge into Outstanding Florida Waters, as provided by Chapter 403, Florida Statutes, and Chapters 17-302, 17-4, and 17-25, F.A.C. (ADA\*, 172)
- Q.(5) Wetland hydroperiods will be maintained through the introduction of pre-treated stormwater ponds upstream of those wetlands. (ADA\*, 176)

**SECTION 7. LEGAL DESCRIPTION**

Development of University Lakes shall be restricted to the 2,422.5 acres owned by the Developer\* and described by the legal description included as Attachment #6 attached to, and made a part of, this Development Order.

**SECTION 8. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION**

Physical development of the Project\* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 4. above, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall

be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

**SECTION 9. RESTRICTIONS ON DOWN-ZONING**

Prior to October 13, 2019, the County\* may not down-zone or reduce the intensity or unit density permitted by this Order, unless the County\* can demonstrate that:

- (a) substantial changes in the conditions underlying the approval of the Order have occurred; or
- (b) the Order was based upon substantially inaccurate information provided by the Developer\*; or
- (c) the change is clearly established by the County\* to be essential for the public health, safety, or welfare.

Any down-zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by statute or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer\* by this Order.

The inclusion of this Section is not to be construed as evidencing any present or foreseeable intent on the part of the County\* to down-zone or alter the density or intensity of the Project\*, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

**SECTION 10. BINDING ORDER UPON DEVELOPER\***

This Development Order shall be binding upon the Developer\*.

**SECTION 11. RENDITION**

The Planning Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer\*, the Florida Department of Community Affairs, and TBRPC.

**SECTION 12. NOTICE OF RECORDING**

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

**SECTION 13. SEVERABILITY**

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

**SECTION 14. EFFECTIVE DATE**

This Ordinance, 97-61, shall take effect upon being signed by the Chairman of the Board of County Commissioners, the receipt of an official acknowledgement from the Department of State and the expiration of any appropriate appeal period, which date shall be the effective date of this Ordinance or the effective date of this Development Order as the terms may be used herein.

**SECTION 15. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 22.**

The previous Development Order for University Lakes which was adopted on June 1, 1992 and all subsequent amendments are hereby replaced in their entirety.

**ADOPTED AND APPROVED** with a quorum present and voting the 16th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: \_\_\_\_\_

  
Chairman

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

  
\_\_\_\_\_

**ATTACHMENTS #1, #2, #4, AND #5**

**ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE  
AS ATTACHMENTS TO THE PREVIOUSLY APPROVED ORDINANCE 93-25**

1. Affordable Housing Analysis
2. 380 Review Agreement
4. Map J (attachment 5 of Ord 93-25)
5. Traffic Impact Table (attachment 6 of Ord 93-25)

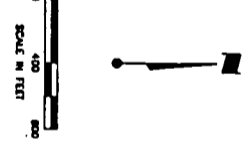
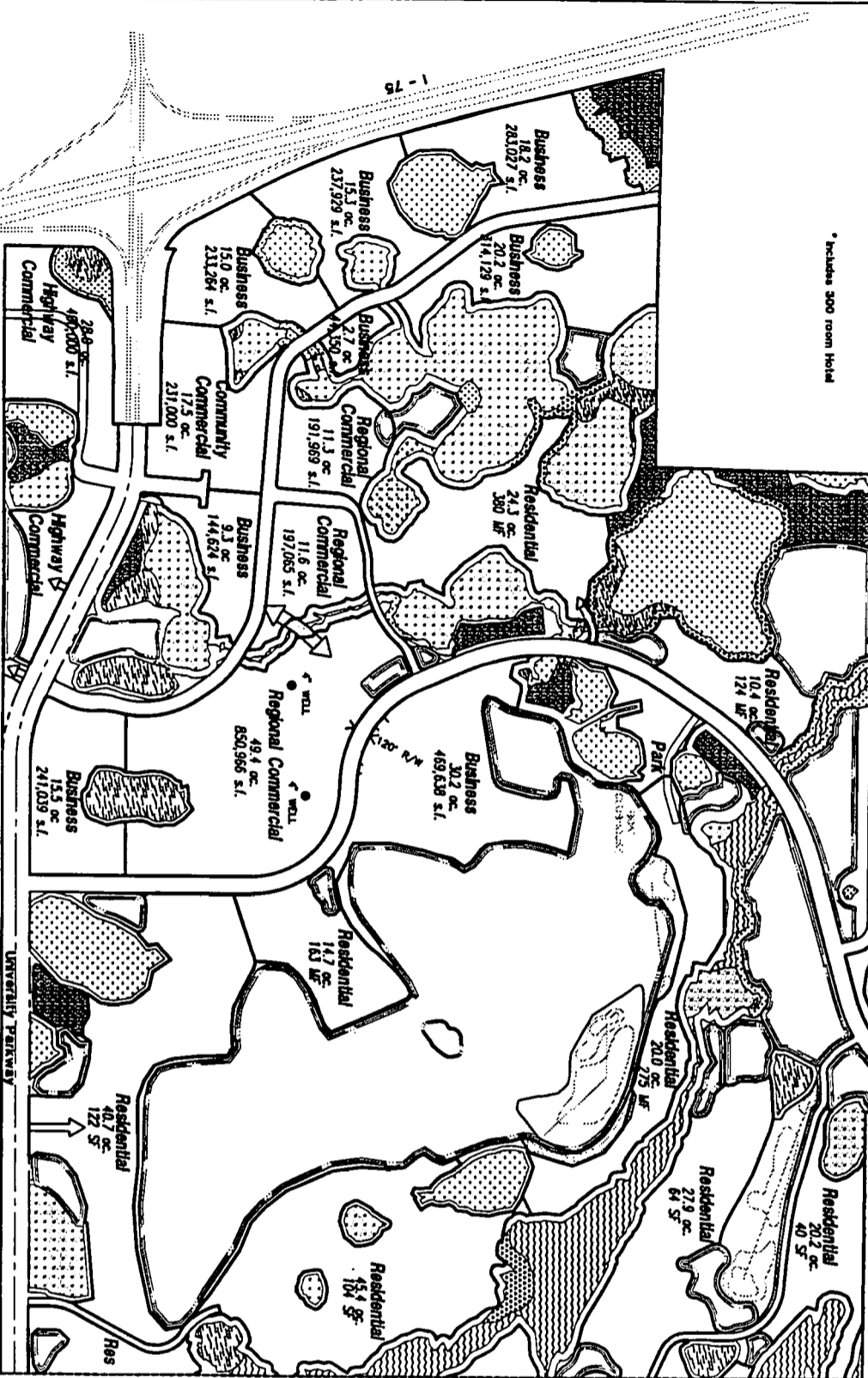
**LAND USE SCHEDULE**

USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	704.0		3,137
REGIONAL COMMERCIAL	723	12,900,000	
COMMUNITY COMMERCIAL	373	381,000	
HIGHWAY COMMERCIAL	28.0	400,000*	
BUSINESS	128.4	1,988,000	
RIGHT-OF-WAY	178.4		
RECREATION	330.4		
WETLANDS	378.9		
LAKES	358.6		
OPEN SPACE	230.0		
<b>TOTAL</b>	<b>2423.5</b>	<b>3,888,000</b>	<b>3,137</b>

\* Includes 300 room hotel

**LEGEND**

- TEMPERATE HARDWOODS
  - LIVE OAKS
  - LAKES
  - STREAM & LAKE SWAMPS (T.B.R.P.C.)
  - BLAND PONDS & SLoughS (T.B.R.P.C.)
  - MIXED WETLAND HARDWOODS (T.B.R.P.C.)
  - FRESHWATER MARSHES
  - WET PRAIRIES
  - WETLAND MITIGATION AREAS
  - EXISTING WATER WELLS
- (T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



**GENERAL NOTES**

1. District Land Use Control Ordinance...
2. Wetland Mitigation Areas...
3. Environmental Impact Statement...
4. Wetland Delineation...
5. Wetland Mitigation...
6. Wetland Restoration...
7. Wetland Creation...
8. Wetland Enhancement...
9. Wetland Protection...
10. Wetland Management...
11. Wetland Monitoring...
12. Wetland Assessment...
13. Wetland Inventory...
14. Wetland Mapping...
15. Wetland Data...

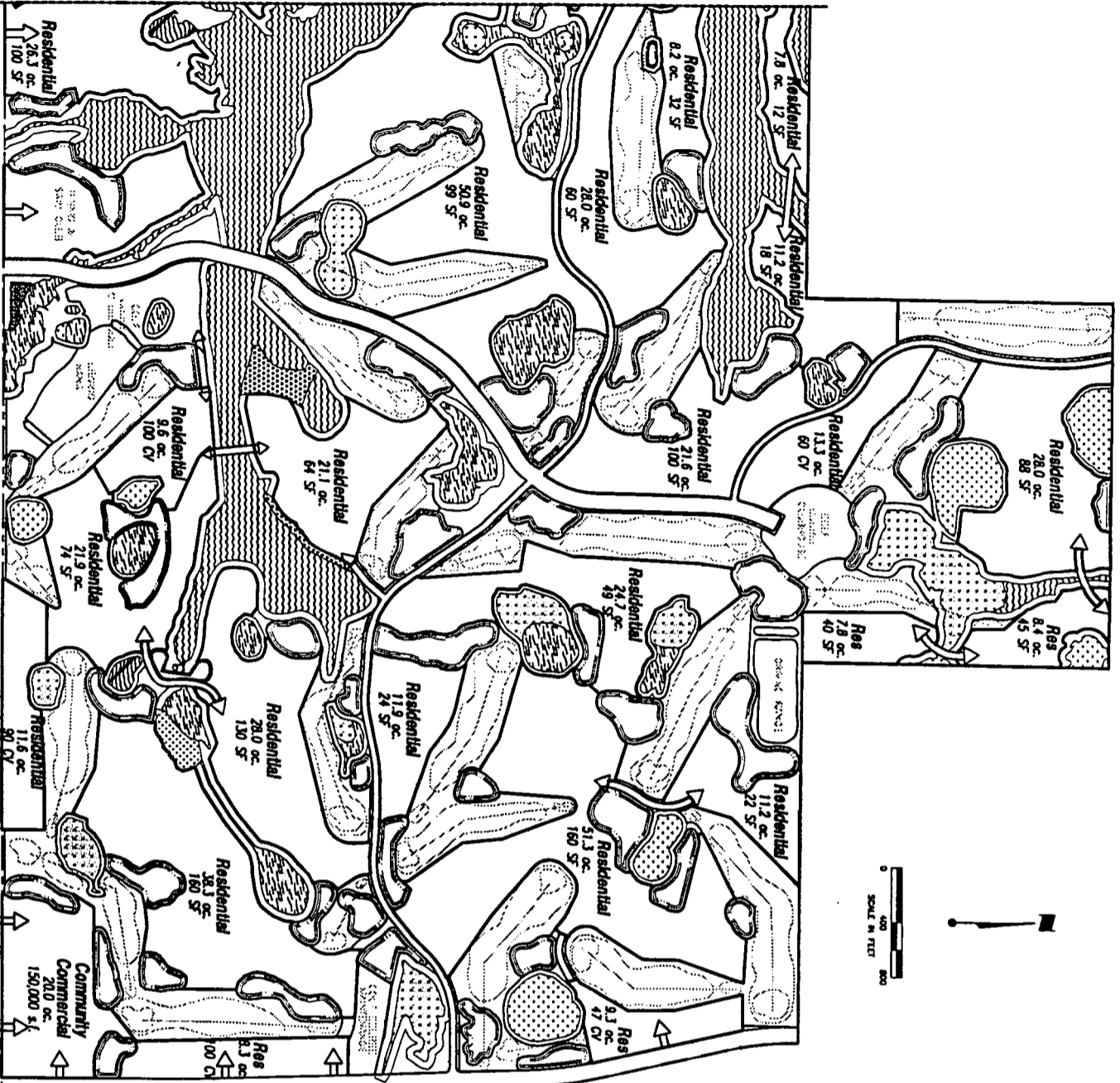
**MATCHLINE**

Station	Area	Volume	Notes
0+00	1.2	1.2	
10+00	1.2	1.2	
20+00	1.2	1.2	
30+00	1.2	1.2	
40+00	1.2	1.2	
50+00	1.2	1.2	
60+00	1.2	1.2	
70+00	1.2	1.2	
80+00	1.2	1.2	
90+00	1.2	1.2	
100+00	1.2	1.2	

**GENERAL DEVELOPMENT PLAN FOR UNIVERSITY LAKES**

Wilson, Miller, Barton & Peck, Inc.  
 131 S. ...  
 Date: Nov. 15, 1981

MATCHLINE



**LAND USE SCHEDULE**

USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	704.0		3,137
REGIONAL COMMERCIAL	7.3	1,340,000	
COMMUNITY COMMERCIAL	37.5	361,000	
HIGHWAY COMMERCIAL	28.0	400,000*	
BUSINESS	52.4	1,988,000	
RIGHT-OF-WAY	78.4		
RECREATION	330.4		
WETLANDS	378.9		
LAKES	388.6		
OPEN SPACE	210.0		
<b>TOTAL</b>	<b>2422.5</b>	<b>3,989,000</b>	<b>3,137</b>

\* Includes 300 room Hotel

**LEGEND**

- TEMPERATE HARDWOODS
  - LIVE OAKS
  - LAKES
  - STREAM & LAKE SWAMPS (T.B.R.P.C.)
  - ISLAND PONDS & SLOUGHS (T.B.R.P.C.)
  - MIXED WETLAND HARDWOODS (T.B.R.P.C.)
  - FRESHWATER MARSHES
  - WET PRAIRIES
  - WETLAND MITIGATION AREAS
  - EXISTING WATER WELLS
- (T.B.R.P.C.) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS

**GENERAL DEVELOPMENT PLAN**

**FOR UNIVERSITY LAKES**

WILSON, MILLER, BARTON & PEEK, INC.

Order No. 15, 1981 (12/13/81)

# GENERAL NOTES

## 1. Permitted Uses of Tracts Shown

### Single-Family (SF)

Single-family uses are primarily intended to be developed with single-family detached, and single-family semi-detached dwellings and related accessory uses. Also allowed are uses as permitted in the RSF District, except for the following:

Funeral Homes  
Funeral Chapels  
Cemeteries (Pet or Human)

The following community services uses:

Cultural Facilities  
Emergency Shelters  
Out-Patient Treatment Facilities  
Post Offices  
Residential Treatment Facilities

### Cluster Villas (CV)

Cluster villa tracts are primarily intended to be developed with single-family attached and single-family semi-detached dwellings and related accessory uses. Also allowed are uses as permitted in the RSF District, except those excluded from single-family tracts, cluster villas and residential resort units.

Cluster Villa shall mean a dwelling which is joined to another such unit in a group of two (2) but not more than nine (9) units by a common party wall, floor/ceiling and/or connecting permanent structure such as breezeway, carport, or garage, where the dwellings are located on adjoining lots, such as townhouses, or on a commonly owned lot such as condominiums or residential resort units.

### Multi-family (MF)

Multi-family tracts are primarily intended to be developed with multi-family dwellings and related accessory uses. Also allowed are uses as permitted in the RSF District, except those excluded from single-family tracts and residential resort units.

### Residential Resort Units

Residential resort units (i.e., units which are leased for less than 28 consecutive days and/or time-share units) shall be permitted in CV and MF tracts, provided that they are planned and designed for such use, are segregated from adjacent residential by a 50' minimum landscape buffer and are not accessed (except for emergency vehicles) through single family neighborhoods.

### Business

Business tracts will primarily be developed with research and development, hotels, and uses as permitted in the PDO and LM Districts and related accessory uses. Uses which are not permitted are:

Animal Products Processing  
Animal Rehabilitation Center  
Animal Shelter/Boarding  
Agricultural Products Processing Plants  
Motor Vehicle Repair, Major  
Heliport (Helistops are permitted)  
Flea Markets, Enclosed or Open  
Lumberyard  
Outdoor Firing Ranges  
Service Stations which primarily serve trucks ("truck stops")

### Commercial (Community, Highway, and Regional) in MU Areas

Commercial tracts within the MU land use classification will be primarily developed with uses as permitted in the PDC District and related accessory uses, except the following:

Animal Rehabilitation Center  
Animal Shelter/Boarding  
Breeding Facility  
Flea Markets, Enclosed or Open  
Heliport (Helistops are permitted)  
Game Preserve  
Cemeteries (Pet or Human)  
RV Parks  
Service Stations which primarily serve trucks ("truck stops")

### Commercial (Community) in RES-1 Area

Commercial Tracts within the RES-1 land use classification will primarily be developed with uses as permitted in the NC District and related accessory uses, except the following:

Cemeteries (Pet or Human)  
Service Stations which primarily serve trucks ("truck stops")

### Other Permitted Uses

Hospitals are permitted uses within Business or Commercial tracts in MU areas

### Interim Uses

Agricultural uses are permitted interim uses as per item 12 below.

## 3. Special Main Street Area Setbacks/Parking

For the purpose of this ordinance, the Main Street Area refers to that area contained by and served by Main Street, Nature's Way and Health Park Way.

Regardless of other provisions of this ordinance relating to the establishment of setbacks, there shall be a setback line for any building or structure on property abutting any of the streets herein named. The special setback line shall be eight (8) feet from the edge of the existing right-of-way.

On-street parking and off-street parking will be permitted within the Main Street Area.

### 4. Corner Lots

The setback for the secondary front yard of corner lots shall be a minimum of fifteen (15) feet.

Where side yards are adjacent to rear yard 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.

### 5. Buffering/Screening

Buffering and screening shall be provided in accordance with Section 715 and 737 of the Land Development Code.

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 (i.e. Wax Myrtle, Viburnum ardens, Ligustrum japonica) installed from 15 gallon containers, measuring 5-6' overall height, placed on alternating 5-7' centers. 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.

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

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

### 6. Parking

Except as permitted in note #3 above, parking shall be provided in with Section 710 of the Manatee County Land Development Code.

### 7. Project Access

The alignment of all internal roadways and the location of all project access points is approximate. Exact alignments are subject to change pursuant to review by Manatee County during the site plan/subdivision review process.

### 8. Drainage

The developer has elected, pursuant to Subsection 360.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 in effect at the time that the Development Order for the University Lakes project is issued. Accordingly, to the extent that the provisions of Subsection 360.06(5)(c), Florida Statutes, affect the determination as to which laws, rules, or regulations are applicable to the University Lakes project, said determination shall apply.

Location and size of retention areas shown are conceptual and subject to refinement at the final site plan phase.

### 9. Water and Wastewater Service

Water and wastewater service will be provided by Manatee County.

### 10. Development Mix

Trade-offs in types and intensities/densities of approved land uses may be made as permitted in the Development Order and Zoning Ordinance.

### 11. Wetlands

Acresage and location of environmental areas and mitigation areas are approximate and are subject to final determination by appropriate agencies.

Wetland buffers will be provided as required by Section 719, Land Development Code.

Mitigation will be as required by Section 719, Land Development Code.

### 12. Agricultural Uses

Interim use of the site for agricultural uses shall be permitted prior to and during site development. The permitted borrow pit operation may be continued to fulfill the obligations of the Special Permit.

### 13. Signs

On-site signs will be in accordance with Sections 724 and 737, Land Development Code.

14. Parcels have not been surveyed and acreages shown are approximate. Parcels are subject to future subdivision in accordance with the Land Development Code.

MATCHLINE

## 2. Minimum Lot Size, Setbacks and Heights

Uses	Height Maximum (Ft.) <sup>****</sup>	Lot Width (Ft.) <sup>*</sup>	Front Setback (Ft.)	Side Setback (Ft.)	Rear Setback (Ft.)	Minimum Lot Size (Sq.Ft.)
Single-Family	35	45 - 79	20/15 <sup>***</sup>	6	15	4,950
Single-Family	35	80 or greater	25/20 <sup>***</sup>	8	15	4,950
Zero Lot Line	35	45	20/15 <sup>***</sup>	0/10 <sup>**</sup>	15	4,950
Duplex	35	80	20/15 <sup>***</sup>	8	15	8,000
Multi-family	4 stories	-	20	10	25	8,000
Commercial	35	-	40	15	20	7,500
Office/Hotel	10 stories	-	40	15	20	7,500
Business	6 stories	-	30	15	20	7,500
School, Park, Recreation Center	35	-	25	15	15	N/A

\* Minimum lot width is 45 feet measured at setback line.

\*\* Applies to one side (when one yard is measured at zero (0) feet the other yard must be ten (10) feet).

\*\*\* Front setback for units with side entry garages.

\*\*\*\* In instances where structures are proposed adjacent to I-75, for each 1 foot of height over 35 feet, the setback from the I-75 right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project boundary on sites which are adjacent to off-site residential zoning or uses shall be limited to four (4) stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six (6) stories.

# GENERAL DEVELOPMENT PLAN FOR UNIVERSITY LAKES

Revision Date: Nov. 2, 1995    Revision Date: Feb. 26, 1997    Revision Date: Aug. 01, 1997    Revision Date: Dec. 08, 1997  
Revision Date: Sept. 6, 1995    Revision Date: May 12, 1997    Revision Date: Aug. 25, 1997

WILSON, MILLER, BARTON & PEEK, INC.

ENGINEERS SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS  
LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS

133 South McIntosh Road  
Sarasota Florida 34232

Date: Nov. 15, 1991    (813) 371-3690    Fax (813) 377-9852



Sheet: 1 of 9

Dec 08, 1997 - 17:55:40 D:\E:\2\4\01\0853\04\2559\1\01\GENRES.dwg

ATTACHMENT #6

LEGAL DESCRIPTION FOR  
A TRACT OF LAND SITUATED AND BEING IN SECTIONS 28, 29, 31, 32 AND 33, TOWNSHIP  
35 S, RANGE 19 E AND SECTION 36, TOWNSHIP 35 S, RANGE 18, MANATEE COUNTY,  
FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32,  
TOWNSHIP 35 S, RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 00°22'41" E,  
ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2656.57 FT. TO THE  
NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE S  
89°30'30" E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF  
1337.72 FT. TO THE NORTHEAST CORNER OF THE WEST 1/2 OF SAID SOUTHWEST 1/4;  
THENCE S 00°27'02" W, ALONG THE EAST LINE OF SAID WEST 1/2 OF THE SOUTHWEST  
1/4, A DISTANCE OF 2656.59 FT. TO THE SOUTHEAST CORNER OF SAID WEST 1/2 OF  
THE SOUTHWEST 1/4; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION  
29 (ALSO BEING THE NORTH LINE OF SECTION 32, TOWNSHIP 35 S, RANGE 19E), A  
DISTANCE OF 4003.06 FT. TO THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32  
AND 33, TOWNSHIP 35 S, RANGE 19 E; THENCE N 00°40'07" E, ALONG THE WEST LINE  
OF SAID SECTION 28, A DISTANCE OF 2236.01 FT; THENCE S 89°31'24" E, PARALLEL  
WITH THE NORTH LINE OF SAID SECTION 28 AND 3077.34 FT. SOUTHERLY THEREFROM,  
A DISTANCE OF 2665.72 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE WEST  
1/2 OF SAID SECTION 28; THENCE S 00°45'47" W, ALONG THE EAST LINE OF SAID WEST  
1/2, A DISTANCE OF 2236.80 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID  
SECTION 28; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 28  
(ALSO BEING THE NORTH LINE OF SECTION 33, TOWNSHIP 35 S, RANGE 19 E), A  
DISTANCE OF 2662.03 FT. TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE  
S 01°24'24" W, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 6019.29  
FT. TO THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE N 89°58'32" W, ALONG  
THE SOUTH LINE OF SAID SECTION 33 (ALSO BEING THE COMMON LINE BETWEEN  
MANATEE AND SARASOTA COUNTIES), A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST  
CORNER OF SAID SECTION 33 (SAME BEING THE SOUTHEAST CORNER OF SECTION 32,  
TOWNSHIP 35 S, RANGE 19 E); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF  
SAID SECTION 32, AND THE COUNTY LINE, A DISTANCE OF 5320.24 FT. TO THE  
SOUTHWEST CORNER OF SAID SECTION 32 (SAME BEING THE SOUTHEAST CORNER OF  
SECTION 31, TOWNSHIP 35 S, RANGE 19 E); THENCE N 89°58'32" W, ALONG THE SOUTH  
LINE OF SAID SECTION 31 AND THE COUNTY LINE, A DISTANCE OF 4602.00 FT. TO THE  
SOUTHWEST CORNER OF SAID SECTION 31; THENCE N 00°37'10" E, ALONG THE WEST  
LINE OF SAID SECTION 31, ALSO BEING THE EASTERLY LIMITED ACCESS R/W OF STATE  
ROAD NO. 93 (INTERSTATE 75), A DISTANCE OF 615.95 FT. TO A POINT ON THE ARC OF  
A CURVE WHOSE RADIUS POINT LIES S 67°41'09" E, 216.00 FT; THENCE RUN  
NORTHEASTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE  
THROUGH A CENTRAL ANGLE OF 65°57'32", A DISTANCE OF 248.66 FT. TO THE P.T. OF  
SAID CURVE; THENCE N 88°16'24" E, ALONG THE LIMITED ACCESS R/W OF STATE ROAD  
NO. 93 (I-75) - "UNIVERSITY PARKWAY" INTERCHANGE, A DISTANCE OF 628.74 FT;  
THENCE S 89°27'41" E, ALONG SAID LIMITED ACCESS INTERCHANGE R/W, A DISTANCE  
OF 298.75 FT. TO THE EASTERLY END OF SAID LIMITED ACCESS INTERCHANGE R/W;  
THENCE CONTINUE S 89°25'29" E, ALONG THE SOUTHERLY R/W OF "UNIVERSITY  
PARKWAY", A DISTANCE OF 133.18 FT; THENCE N 00°34'14" E, ALONG THE EASTERLY  
END OF SAID "UNIVERSITY PARKWAY" R/W, A DISTANCE OF 336.00 FT; THENCE N  
89°26'21" W, ALONG THE NORTH LINE OF A 60 FT. WIDE F.D.O.T. SERVICE ROAD R/W,  
WHICH LIES PARALLEL AND CONTIGUOUS WITH THE NORTHERLY SIDE OF "UNIVERSITY  
PARKWAY", A DISTANCE OF 606.88 FT; THENCE N 85°37'30" W, ALONG SAID SERVICE  
ROAD R/W, A DISTANCE OF 460.53 FT. TO THE P.C. OF A CURVE CONCAVE TO THE  
NORTHEAST HAVING A RADIUS OF 396.00 FT.; THENCE RUN NORTHWESTERLY, ALONG  
SAID SERVICE ROAD R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE  
OF 27°45'40", A DISTANCE OF 191.87 FT. TO THE INTERSECTION WITH THE WEST LINE  
OF SAID SECTION 31, TOWNSHIP 35 S, RANGE 19 E, SAME BEING THE EAST LINE OF  
SECTION 36, TOWNSHIP 35S, RANGE 18 E, (THE RANGE LINE); THENCE S 01°15'38" W,  
ALONG THE COMMON LINE BETWEEN SAID SECTION 31 AND 36 (THE RANGE LINE), SAME  
BEING THE WESTERLY END OF SAID F.D.O.T. SERVICE ROAD R/W, A DISTANCE OF 68.34  
FT. TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS R/W OF SAID STATE



ROAD NO. 93 (I-75), SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 27°43'29" E, 456 FT; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE; THROUGH A CENTRAL ANGLE OF 34°29'56", A DISTANCE OF 274.57 FT. TO THE P.T. OF SAID CURVE; THENCE N 27°46'35" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 566.48 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 4489.66 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°57'00", A DISTANCE OF 1014.75 FT. TO THE P.T. OF SAID CURVE; THENCE N 14°49'36" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 899.55 FT.; THENCE N 13°40'49" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 1016.32 FT.; THENCE S 88°46'12" E, A DISTANCE OF 1369.85 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 36, TOWNSHIP 35S, RANGE 18 E., SAME BEING THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35S, RANGE 19 E (THE RANGE LINE); THENCE S 89°40'28" E, A DISTANCE OF 1438.64 FT; THENCE N 01°15'38" E, A DISTANCE OF 1532.73 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 31, TOWNSHIP 35S, RANGE 19 E (SAID POINT LYING S 89°40'28" E, ALONG SAID NORTH LINE, A DISTANCE OF 1438.64 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 31); THENCE S 89°40'28" E, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 3165.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 28, 29, 31, 32, AND 33, TOWNSHIP 35 S, RANGE 19 E AND SECTION 36, TOWNSHIP 35 S RANGE 18 E, MANATEE COUNTY, FLORIDA.

CONTAINING 2352.7 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

THIS DESCRIPTION IS NOT BASED ON AN ACTUAL FIELD SURVEY.

ALSO:

A TRACT OF LAND SITUATED AND BEING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N 01°24'24" E, ALONG THE WESTERLY LINE OF SAID SECTION 34, A DISTANCE OF 6019.33 FEET TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE N 89°57'56" E, ALONG THE NORTHERLY LINE OF SAID SECTION 34, A DISTANCE OF 120.02 FEET; THENCE S 00°51'27" W, A DISTANCE OF 1.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2190.00 FEET AND A CENTRAL ANGLE OF 13°14'44"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, AN ARC DISTANCE OF 506.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 12°23'18" E; A DISTANCE OF 982.01 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3060.00 FEET AND A CENTRAL ANGLE OF 10°28'18"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION A DISTANCE OF 559.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 01°55'00" E., A DISTANCE OF 2240.90 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 10560.00 FEET AND A CENTRAL ANGLE OF 01°56'28"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION A DISTANCE OF 357.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 00°01'28" W, A DISTANCE OF 1402.77 FEET TO THE SOUTHERLY LINE OF SAID SECTION 34; THENCE N 89°58'32" W, ALONG SAID SOUTHERLY LINE A DISTANCE OF 678.98 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 69.8365 ACRES, MORE OR LESS.

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 23rd day of December 1991.  
R. B. SHORE,  
Clerk of Circuit Court  
By: *[Signature]* D.C.

copies to:  
mun. code. - Acknowledgment from Mun. Code Rec'd 1-21-98 JH  
Internal Audit  
B. Tyler - BCC + Planning  
1/2/98 pm