

ORDINANCE 97-62

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 92-30, AS AMENDED BY ORDINANCE 93-49) ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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R.B. SHOFF
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

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

WHEREAS, on April 9, 1992, the Board of County Commissioners of Manatee County, Florida adopted a development order approving the Gateway North DRI; and

WHEREAS, the Department of Community Affairs ("DCA") appealed the Gateway North DRI development order to the Florida Land and Water Adjudicatory Commission as authorized by Section 380.07, Florida Statutes; and

WHEREAS, the Developer* entered into a settlement agreement with the Department of Community Affairs to resolve their concerns; and

WHEREAS, on February 24, 1994, the Board of County Commissioners of Manatee County adopted an amended Development Order (Ordinance 93-49) for the Gateway North DRI, adopting language to settle administrative action between the Department of Community Affairs and the Developer; and

WHEREAS, on January 28, 1997, the developers of Gateway North filed a Notice of Proposed Change to extend the buildout and commencement dates of the Development Order; and

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

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the public notice requirements of Manatee County and Section 380.06, 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 August 26, 1997, held a duly noticed public hearing on said NOPC and the language proposed by the Developer* to amend Ordinance 93-49, 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.

97-62 Gateway North Development Order DRI 22 (Amended)

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 26th DAY OF AUGUST, 1997, AS FOLLOWS:

The previous Development Order for Gateway North in Manatee County, Ordinance 92-30, as amended, is hereby replaced in its entirety as provided in this Ordinance.

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, 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 Board of County Commissioners 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 August 26, 1997, following public hearing.
- A. The Board of County Commissioners held a public hearing on August 26, 1997 regarding said amendment to the DRI and the proposed Official Zoning 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 (The Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.
- B. 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.
- C. The Developer* of the Project* has submitted to Manatee County a NOPC, dated December 13, 1996, and amended by the correspondence dated February 19, 1997, which is incorporated herein by reference.
- D. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (see Attachment 1).
- E. The real property which is the subject of this Development Order is legally described as set forth in Section 7, herein.
- F. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- G. The authorized agents and their addresses for the Project* are John L. King or R. Bruce Wright, 1700 13th Street, Suite 2, St. Cloud, Florida 34769.
- H. The owner of the property, which Magnolia Management Corporation intends to develop, is Property Reserve, Inc., a Utah corporation.
- I. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the

Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 2. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following conditions of this 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 (FCRPP), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).
 3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on September 16, 1991 and on February 19, 1997 regarding this 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*, the 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* 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.

SECTION 3. DEVELOPMENT COMPONENTS:

- A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service has been issued for the land uses listed in Phase 1, Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phases 2 and 3 for land uses and acreage, 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
LAND AREA AND USES

<u>Column A</u> <u>Use</u>	<u>Column B</u> <u>Acres</u>	<u>Column C</u> <u>Square</u> <u>Feet</u>	<u>Column D</u> <u>Units</u>	<u>Column E</u> <u>Land Use Exchange</u> <u>Maximum Increase</u>
Office	75.8	960,500		6 acres, or 60,000 sq. ft.
Office/ Service	35.7	397,500		6 acres, or 60,000 sq. ft.
Commercial	30.4	445,200		6 acres, or 50,000 sq. ft.
Residential Single Family	297.3		1,647) Increase of com-) bined resident-) ial dwelling) units of 171
d.u.s, Townhouse	48.7		431	
Multi- Family	68.4		1,348	
Lake	72.9			
School	15.9			
Park	24.3			
Recreation Center	5.3			
Wetlands	153.4			
Mitigation	26.5			
Detention	151.6			
Open Space	8.8			
R.O.W. Transmis- sion Lines	50.0			
Totals:	1,065.0±	1,803,200	3,426	
	=====	=====	=====	

The amounts of the various uses (Residential, Commercial, Office and Office/Service Center*) 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, provided that the final Project* meets the following conditions:

- a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.
- b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: Lake, school, park, recreation center, wetlands, mitigation, detention, open space, and R.O.W. transmission lines.
- c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 3A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

	<u>Phase 1:</u> <u>1997-2005</u>	<u>Phase 2:</u> <u>2006-2012</u>	<u>Phase 3:</u> <u>2013-2019</u>	<u>Totals</u>
Residential (d.u.'s):				
Single Family	550	550	547	1,647
Townhouse	120	155	156	431
Multi-Family	<u>330</u>	<u>515</u>	<u>503</u>	<u>1,348</u>
Totals:	<u>1,000</u>	<u>1,220</u>	<u>1,206</u>	<u>3,426</u>
Commercial (sq.ft.)	160,000	150,000	135,200	445,200
Office (sq.ft.)	260,500	300,000	400,000	960,500
Office/Service Center* (sq.ft.)	100,000	150,000	147,500	397,500
School (acres)	15.9			15.9
Park (acres)	24.3			24.3
Recreation Center (acres)		5.3		5.3

The mix of approved land uses within individual phases may vary from that shown in Table 2, provided that the following conditions are met:

- a. The number of residential units within any phase may not be increased or decreased by more than five hundred dwelling units.
 - b. The square footage of commercial space within any phase may not be increased by more than one-hundred fifty-thousand square feet or decreased by more than one-hundred thousand square feet.
 - c. The square footage of office space within any phase may not be increased more than seventy-thousand square feet or decreased by more than one-hundred thousand square feet.
 - d. The square footage of Office/Service Center * within any phase may not be increased more than ninety-nine thousand square feet or decreased by more than fifty-thousand square feet.
 - e. The phasing buildout dates shall be February 20th of the years indicated above.
- C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised 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 have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. 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 will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the 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 Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. 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.

A subsequent phase will be deemed to have commenced at the beginning of a calendar year, indicated as the beginning of a phase as shown in Table 2, or when the Project* has utilized the capacity set aside for the preceding phase in any one of the following: transportation; potable water; wastewater treatment; solid waste disposal; mass transit; drainage; and parks and recreation. The Project* status will be monitored by the County through the Certificate of Level of Service compliance process.

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 impacts will be measured based upon the relevant factors 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 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 (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed, establishing to the satisfaction of the County, that some modification in the ITE Rates is appropriate based upon sound traffic engineering principles), the relative proportions of trips produced by attractors, and the trips produced by generators remain 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.

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 Proposed Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the 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), Florida Statutes.

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.

The Developer* shall notify the Department of Community Affairs and TBRPC of each proposal for a Land Use Exchange and a revised General Development Plan by submitting each proposal for a Land Use Exchange and a revised General Development Plan to the Department of Community Affairs and TBRPC.

SECTION 4. 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. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Attachments 2 and 3 (Revised Map H and Preservation/Conservation Map, respectively), and the NOPC submitted on January 28, 1997.
- B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- C. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee.
- D. "Developer*" shall mean Property Reserve, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.
- E. "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.
- F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.
- G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:
1. existing topography;
 2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;
 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;
 4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- H. "Office/Service Center*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use

Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.

- I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map attached hereto as Attachment 3.
- J. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 7 herein.
- K. "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 structure.
- L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida Game and Freshwater Fish Commission, the County* and the Environmental Action Commission.

SECTION 5. DEVELOPMENT CONDITIONS:

Transportation

- A. (1) Access to and from the site will be in accordance with state and local access regulations and as shown generally on Revised Map H.
- A. (2) The existing I-75 frontage road will be extended through the property at the cost of the Developer* and dedicated to the County* prior to Development Approval* of Phase 2, but in all events prior to development of the office pod located contiguous to the frontage road as extended, which will use the frontage road for ingress and egress.
- A. (3) Provisions will be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road in later phases. This road will be constructed at the cost of the Developer* prior to Development Approval* of Phase 2 or prior to Development Approval* for the neighborhood commercial proposed at the intersection of Gateway Boulevard and Buckeye Road, whichever occurs first. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.
- A. (4) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.
- A. (5) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. 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. (6) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.

- A. (7) 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 Gateway North.
- A. (8) When Certificates of Occupancy have been issued for 280,000 square feet of commercial space (land use 820 of Trip Generation, Fourth Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This 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 the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.
- A. (9) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

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 measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates the total peak hour trips are not being diverted reasonably commensurate with those anticipated, Manatee County shall decide whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes for the purpose of determining amendments or other requirements to be added to the Development Order to change TSM objectives or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. The TSM program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but shall not be limited to:

POLICY: Promote ride sharing by private and public sector employees.

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by 10% by 2000 through expanded ride sharing efforts.
- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2000.

A. (10) The improvements listed in Table 3 include a critical link and intersection improvements for the development of the Project*. In order to maintain adequate levels of service in the area, several options are available:

1. For approval of all Phase 1 development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase I of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order, OR alternatively
2. The Developer* may elect to proceed with subphases of Phase 1 pursuant to the subphase traffic analysis provided as part of the ADA*. Specific approval is granted for the first subphase of development, which generates up to 500 p.m. peak hour inbound external trips or 587 p.m. peak hour outbound external trips, whichever is the lesser. In order to proceed beyond the first subphase, the westbound left turn lane at Moccasin Wallow and U.S. 41 must be under construction or committed for funding in the first year of the capital improvement program or work program. When such improvement is under construction, or so committed, specific approval is hereby given for the second subphase, which allows for development which generates up to 617 p.m. peak hour inbound external trips or 671 p.m. peak hour outbound external trips, whichever is the lesser. In order to proceed beyond the second subphase, the improvement of Moccasin Wallow Road to a four lane divided cross section to Ellenton-Gillette Road must be either under construction or committed for funding in the first year of a capital improvement program or work program. Access and intersection signalization improvements will be provided as required by site development and when signal warrants are met.

A. (11) In the event Funding Commitments* for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase described in Table 2, the Developer* shall have the option to submit to the County*, the State, and TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s) and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments* for required transportation improvements. The Developer* shall further submit projections for traffic volumes that will result from the completion of a currently approved Project* construction, plus the volumes to be generated by the next portion of development for which the Developer* is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation

improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.

TABLE 3

The following roadway link was determined to be a required link improvement for Phase 1 of the Project* due to the percentage of Project* traffic impacting the roadway and the resulting Level of Service (LOS).

<u>Link</u>	<u>From</u>	<u>To</u>	<u>Improvement</u>
Moccasin-Wallow	Ellenton-Gillette	I-75	2LD to 4LD

The following intersection improvements were determined to be required intersection improvements for the Project* due to the percentage of development traffic impacting the intersection and the resulting Level of Service (LOS).

Note: In the table below, WB shall mean westbound, SB shall mean southbound, and EB shall mean eastbound.

<u>Location</u>	<u>Required Improvement</u>
Moccasin Wallow @ U. S. 41	Signalize WB left turn lane
Moccasin Wallow @ Ellenton-Gillette	Signalize
Moccasin Wallow @ Frontage Rd.	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ Site Access Road A (Gateway Boulevard)	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ Site Access Road B (Westernmost link to internal loop roadway)	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ I-75 (west ramps)	Signalize
Moccasin Wallow @ I-75 (east ramps)	Signalize
Moccasin Wallow @ U. S. 301	Signalize

Wetlands

- B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy and as depicted on the attached Preservation/Conservation Map shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging,

filling or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4).

- B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas* as depicted on the attached Preservation/Conservation Map. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Environmental Management Department (EMD), the Department of Environmental Protection (DEP), or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.
- B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* on the attached Preservation/Conservation Map, shall be mitigated in accordance with the Manatee County Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios in limited circumstances, but in no instance at a ratio of less than 1.15:1.
- B.(4) Table 16.1 attached hereto with Figure 16.1 (Attachments 4 and 5, respectively) identifies wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Those wetlands identified in said Table and Figure to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Table SR16-1 and Figure 16.1 from the Sufficiency Response to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.
- B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* and EMD for approval, and TBRPC, DEP, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.
1. 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 wetlands 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; 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 and/or mulch;
 - (5) Source of wetlands soil and depth proposed; and
 - (6) Monitoring and maintenance plans.

- B. (6) Any allowable wetland losses shall require type-for-type wetland replacement in accordance with the Manatee County Land Development Code. 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/littoral shelf shall meet or exceed an eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.
- B. (7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

- C. (1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Attachment #7).
- C. (2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C. (1).
- C. (3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EMD for relocation of any listed plant species found on site in addition to the requirements of C. (1) above.

- C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the attached preservation/conservation map.
- 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 EMD consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Any proposal to change upland preservation areas, as shown approximately on Attachment 3, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

- D.(1) 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 site work and construction 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; and
 - 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.

Air Quality

- E.(1) 1. The Developer* shall institute the following procedures to ensure dust control during development of the Project*:
- a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil

binders, or compacting fill material until areas are paved or developed;

- d. Keep soil stockpiles moist, or treat with soil binders or cover;
- e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
- f. Remove dust producing materials as soon as possible;
- g. Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
- h. Clean (sweep) paved roads adjacent to site as necessary;
- i. 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;
- j. Limit site work and construction to areas needed for immediate development;
- k. Develop asphalt roads as soon as possible; and
- l. Initiate landscaping before development work is completed on site.

- E.(2) Further Section 380.06, Florida Statutes, review will be required for air quality impacts, Phases 2 and 3, and this Development Order* must be amended prior to granting specific approval to Phases 2 and 3 to address any air quality impacts and specify any necessary mitigation.

Water Quality and Drainage

- F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DEP, SWFWMD, and TBRPC for review and to the County* for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County*, and EMD, whichever is more stringent; to provide retention, or detention with filtration/assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.
- 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 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 maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and DEP for review, and to the County* for approval, prior to further Development Approvals*.
- F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County* and SWFWMD. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, the County*, and SWFWMD. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 17-3, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:

1. Pre-construction monitoring:

- a. Sampling will be initiated at least one year before the start of construction.
- b. Sampling events will be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater, until the start of construction.
- c. Sampling locations will be at the five sites identified on page SR11/12-19 of the ADA*Sufficiency Response.

2. Construction monitoring:

- a. Sampling will be conducted as soon as practicable after each rainfall event of one inch or greater within the drainage basin(s) where construction activities are occurring. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.
- b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

- a. Sampling events will be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout.
- b. Any violation of water quality standards within a drainage basin under construction

will be reported to the County* and SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

4. Monitoring Reports:

- a. Monitoring reports will be submitted to the County* on a quarterly basis during pre- and post-construction and monthly during construction.
- b. An official laboratory report shall also be submitted to the County*, SWFWMD, and TBRPC as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County* and SWFWMD. At a minimum, field tests at all sites will include temperature, ph, specific conductance, dissolved oxygen, and flow. Samples will be analyzed by a Florida certified laboratory for at least nutrients (total phosphorus, orthophosphorus, ammonia, nitrate, nitrite, TKN, total nitrogen) pesticides and herbicides, fluoride, oil and grease, metals (lead, cadmium, chromium, copper, zinc), suspended solids, turbidity, bacteria (total coliform, fecal coliform and fecal strep).
6. Proposed monitoring and official laboratory report formats shall be approved by the County* and SWFWMD.
7. The Developer* will incorporate additional water quality treatment or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

- F.(6) Prior to any site alteration, the Developer* shall implement a ground water quality monitoring plan that is approved by the County* and SWFWMD. The plan will be designed to determine the predevelopment water quality conditions of the surficial aquifer and Floridan aquifer as required by the ADA*. Water quality samples shall be collected and analyzed for at least the parameters containing regulatory limits listed under 40 CFR Parts 141-143, the National Primary Drinking Water Regulations. The water quality samples shall be collected from at least two surficial aquifer wells and two Floridan aquifer wells. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, DEP and EMD will be properly notified for further action.

Upon completion of the groundwater program, a monitoring report will be submitted to the County* and SWFWMD for review and approval. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved by the County* and SWFWMD prior to commencement. An official laboratory report shall accompany the ground water monitoring report upon submittal. The report shall include recommendations regarding monitoring during construction and post-construction.

- F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.
- F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.
- F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.
- F.(10) 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 or treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

- G.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and the County*. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County* for approval. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
- H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

- 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 nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" 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 TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, 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.
- 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.
- H. (8) Prior to construction, an economic feasibility study shall be conducted by the applicant and evaluated by the SWFWMD to examine the use of reclaimed water. This study shall be consistent with rules that are in place at the time of its initiation. It shall address the potential of meeting the water needs for residential irrigation, nonresidential irrigation, other uses that do not require potable water, and the installation of reclaimed water distribution lines. Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.
- 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 not be purposely irrigated.

Wastewater

- I. (1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*.
- 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), which is attached hereto as Attachment 6.
- I. (6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H. (8) herein.

Solid Waste

- J. (1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled, or transported. The results of such a tenant questionnaire shall be included in each Annual Report.
- J. (2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, EMD, DEP, and TBRPC, and then distributed by the Developer* to nonresidential land users within the Project*.
1. At a minimum, the plan shall:
 - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - c. Describe generally improper disposal methods;
 - d. Describe generally appropriate disposal methods;
 - e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - f. Describe a program to inform owners and tenants of the information contained in the plan;
 - g. Describe construction requirements for hazardous waste holding areas;

- h. Describe typical spill clean up methods; and
 - i. Be updated and distributed to each non-residential land user annually.
- J. (3) 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. (4) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permittable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.
- J. (5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- K. (1) The Project* shall contain, at a minimum, 332.5 acres of open space (approximately 154.4 acres of wetlands, 26.5 acres of mitigation area, and 151.6 acres of detention) in addition to approximately 102.5 acres of property (24.3 acres of park, a 5.3 acre recreation center and a 72.9 acre lake) committed to recreation. The property designated for recreation purposes shall include a 24.3 acre public park site to be conveyed with necessary easements or right-of-way to provide access from Buckeye Road prior to any further Development Approvals* and which, prior to commencement of Phase 2, shall have a second means of public access from Gateway Boulevard. Also, recreation areas within the Project* must be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (5.3 acres with facilities) can be utilized as part of the approximately 102.5 acres of recreation oriented property and shall be available prior to any further Development Approvals* for Phase 2.
- K. (2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.
- K. (3) 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* parks and recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged.

Education

- L. (1) The Developer* shall dedicate to the County School Board usable land for one elementary school site at least 15.9 acres in size. This land shall be available to the School Board at any time during Phase 1 for the Project*, however, any necessary access to the site, water, or sewer shall be the responsibility of the School Board if development of the school site occurs during Phase 1. At

the time of the school site dedication to the School Board, the Developer* shall dedicate to the County* road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until Phase 2, connections for potable water and sanitary sewer shall be provided by the Developer*. The Developer* shall provide said connections upon completion of the road right-of-way connection between Moccasin Wallow Road and Buckeye Road, but in all events, prior to commencement of Phase 2. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County* for joint use of the recreational areas. The Project's* Master Stormwater Plan shall provide for the school site's stormwater retention needs.

- L.(2) If the County School Board should decide the school is not required or the location is inappropriate, the Developer* shall be permitted to use all or a portion of the applicable parcel for residential development, provided the number of dwelling units approved for the Project* is not increased and provided the County* determines that all recreational Level of Service standards are met. 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 the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, 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 1, or any subphase thereof. The pro rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
- M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.

- 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 all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District 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, 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 later 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 and gas utilities to meet the energy requirements of the development.
- O. (2) 1. All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

- e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
 - g. Institute and utilize recycling programs;
 - h. Utilize energy efficient packaging or recyclable materials;
 - i. Install total energy systems on large facilities when cost effective; and
 - j. Elimination of advertising requiring lighting after business hours where feasible.
- O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

- P.(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.
- P.(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.
- P.(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*.
- P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval 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.
- P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project* and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project*. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project* experience. If such analysis indicates that the Project* will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project* or if such analysis indicates that the Project* would not

substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer* shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. 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 prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

- Specific provisions for on-site housing delivery, including housing delivery alternatives;
- Specific provisions for off-site housing in addition to on-site housing when on-site housing would be impracticable;
- Specific mechanisms for HAIP implementation;
- Provisions to ensure continued adequacy of units provided; and
- Monitoring provisions.

P.(6) A Master Preliminary Site Plan for each phase shall be required.

P.(7) The Developer* shall make all 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.

P.(8) 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 Subsection 380.06(19)(a), Florida Statutes.

P.(9) 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 execution 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 representation 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. As 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, and being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A 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(14) (d), Florida Statutes;
 - j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 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 and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

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.

A. Air

As areas are cleared, the contractor will be required to sod, seed, mulch, or landscape the cleared areas as soon as possible. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. Wind

erosion will be controlled through sprinkling or other appropriate means. (ADA* 13-6)

The contractor will seek to control dust emissions during construction by watering, reducing equipment speed on temporary roadways, and removing dust producing construction debris as soon as possible. (Sufficiency Response [SR], page 13-7)

B. Water

The proposed development will incorporate, to the extent practical, both structural and nonstructural Best Management Practices* to mitigate any potential adverse impacts to the receiving waters. (ADA*, 15-21)

Normal water levels in the lakes will be matched to the hydroperiod of the existing adjacent wetland in order for the systems to function as one. (ADA*, 16-4)

As soon as feasible, stormwater from construction sites will be directed into proposed retention ponds to reduce surface runoff. (ADA*, 16-5/6)

A surface water quality monitoring program will be completed. This monitoring program will start prior to beginning any work on the site that might degrade stormwater, and will continue through Project* build-out. (SR, 11/12-18)

C. Vegetation and Wildlife

A management plan for the protection and maintenance of the natural features of these habitats, will be established. (SR, 18-2)

In regard to the negative influences of domestic pets, exotic plant landscaping, and domestic toxic chemicals, the applicant will provide environmental information to all land owners and residents advising them of measures they can take to protect the wildlife and habitat resources of their community. (SR, 18-15)

D. Drainage

Water quality treatment will be provided for the first one inch of runoff for the entire site by wet detention systems. (ADA*, 22-1)

The construction of the stormwater management system will be adequate to meet or exceed the requirements of SWFWMD. (ADA*, 22-2)

The wet detention ponds will provide water treatment which meets SWFWMD's requirements, as specified under Chapter 40-D-4, Florida Administrative Code by allowing the water to be treated by existing or created wetlands. (ADA*, 22-2)

The volume of runoff required to be treated, as per Chapter 17-25, Florida Administrative Code will be detained within the wet detention ponds. (ADA*, 22-4)

The swales will be designed in accordance with SWFWMD requirements for a 10-year storm event. To reduce the potential for mosquito breeding, the swales will be designed to remain dry under normal conditions and will contain standing water only for short periods of time. (ADA*, 22-6)

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge will be maintained at or below the pre-

development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

The feasibility of receiving effluent for irrigation from the North County Wastewater Treatment Plant will be investigated. (ADA*, 23-4)

Any private wells for irrigation will be permitted through the appropriate agency. (ADA*, 23-4)

Nonpotable water for irrigation will be supplied by wells or wastewater effluent transmission lines, as discussed in Section 23.B and as required by the County*. (ADA*, 23-7)

The use of water conserving plumbing fixtures will be encouraged in accordance with the Florida Water Conservation Act of 1987. (ADA*, 23-7)

F. Solid Waste

Any light industrial use which may require additional safeguards (for use, storage, or transport of regulated substances) will comply with applicable federal, state, and local regulations. (ADA*, 15-20)

As required by general law, the Developer* will notify its employees should there be hazardous material utilized by the Developer*. (SR, 24-2)

The applicant will investigate all appropriate recycling efforts, both during and after construction. (SR, 24-3)

Energy

The applicant will coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)
Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

All building design and equipment selection for the Project* will meet the requirements of the Southern Standard Building Code and the Florida Energy Efficiency Code for building construction. (ADA*, 25-3/4)

Alternative energy sources will be considered for the Project* and implemented wherever practical. (ADA*, 25-4)

The Developer* will undertake, where feasible, the energy conservation measures identified on page 25-3 and 25-4 of the ADA*. (SR, 25-1)

H. Recreation and Open Space

The park site will be open to the general public. Other recreational and open space amenities will be for persons living and working at Gateway North. (ADA*, 27-2)

Sidewalks and bike paths will be provided throughout the development, as required by the Manatee County Land Development Code. (SR, 11/12-7)

I. Education

The 15.9 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

The Developer* will pay all legally applicable Emergency Medical Service impact fees. (ADA* 28-1)

K. Fire

The water distribution system will be designed to meet the County* fire flow standards. (ADA*, 23-1)

The development will meet or exceed the fire flow and water pressure requirements established by the Manatee County Comprehensive Plan. (SR, 30-3)

L. Transportation

The Developer* is committed to implementation of the roadway improvements identified in the response to Question 31 of the DRI/ADA*. (SR, 13-3)

SECTION 7. LEGAL DESCRIPTION:

A parcel of land lying in Sections 9, 16, and 17, Township 33 South, Range 18 East, Manatee County, Florida, said parcel being more particularly described as follows:

Commence at the Southeast corner of said Section 16, Township 33 South, Range 18 East, Manatee County, Florida, run thence N 01°01'40" E, 2085.96 feet along the East boundary of the Southeast 1/4 of said Section 16, to the intersection with the Northerly Limited Access right of way line of State Road No. 93A (I-75), said point being the POINT OF BEGINNING; thence along said Northerly Limited Access right of way line the following four (4) courses; 1) S 40°08'56" W, a distance of 544.94 feet; 2) S 44°08'20" W, a distance of 542.49 feet to a point on a non-tangent curve; 3) Southwesterly, 339.04 feet along the arc of a curve to the right having a radius of 2770.79 feet and a central angle of 07°00'39" (chord bearing and distance S 47°38'19" W, 338.83 feet); (4) S 51°07'07" W, a distance of 498.24 feet to a point on the East boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence N 00°46'26" E, a distance of 193.65 feet along said East boundary of the Southwest 1/4 of the Southeast 1/4 of Section 16, said line also being right of way line for State Road No. 93A (I-75) Access Road; thence along said Northerly right of way line for Access Road as shown on F.D.O.T. Map for State Road No.93A (I-75) the following three (3) courses; 1) S 48°35'25" W, a distance of 1016.87 feet; 2) S 64°50'22" W, a distance of 142.57 feet; 3) S 88°08'11" W, a distance of 266.86 feet; thence N 02°48'55" E, a distance of 128.56 feet along the Easterly Boundary of the property as described in Official Record Book 291, Page 245 of the public records of Manatee County, Florida; thence N 87°06'31" W, a distance of 172.71 feet along the Northerly boundary of said property as described in O. R. Book 291, Page 245, to the intersection with the Easterly right of way line of Gillette Road (56th Avenue); thence N 00°39'28" E, a distance of 779.85 feet along a line being 25 feet East of and parallel with the West boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence S 89°12'14" E, a distance of 174.30 feet along the South boundary of the property as described in Official Record Book 898, Page 872 of the public records of Manatee County, Florida; thence N 04°40'17" E, a distance of 267.28 feet along the Easterly boundary of said property as described in O.R. Book 898, Page 872; thence N 89°17'52" W, a distance of 218.60 feet along the North boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16 to the Northwest corner of said Southwest 1/4 of the Southeast 1/4 of Section 16; thence N 89°45'45" W, a distance of 1382.98 feet along the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 16; thence S 00°47'20" W, a distance of 507.73 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 16; thence S 89°31'40" E, a

distance of 868.64 feet; thence S 21°33'53" E, a distance of 238.50 feet; thence S 31°07'21" W, a distance of 249.86 feet; thence N 58°37'19" W, a distance of 90.10 feet; thence S 52°13'24" W, a distance of 571.20 feet to a point on the Northerly right of way line of Moccasin Wallow Road; thence N 89°35'32" W, a distance of 1096.14 feet along said Northerly right of way line of Moccasin Wallow Road; thence S 01°29'51" W, a distance of 63.18 feet to a point on the Northerly right of way line of said Moccasin Wallow Road (as maintained); thence N 89°31'37" W, a distance of 606.11 feet along said Northerly maintained right of way line of said Moccasin Wallow Road, said line being 31.00 feet North of and parallel with the South boundary of the Southwest 1/4 of the aforesaid Section 16; thence N 89°33'59" W, a distance of 2601.54 feet along said Northerly maintained right of way line said line also being 31.00 feet North of and parallel with the South boundary of the Southeast 1/4 of Section 17, Township 33 South, Range 18 East, Manatee County, Florida; thence N 00°12'13" W, a distance of 2646.56 feet along the West boundary of said Southeast 1/4 of Section 17 to the Northwest corner of the Southeast 1/4 of said Section 17; thence S 89°18'21" E, a distance of 1326.44 feet along the North boundary of said Southeast 1/4 of Section 17 to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 17; thence N 00°50'45" E, a distance of 2660.87 feet along the West boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Northwest corner of said East 1/2 of the Northeast 1/4 of Section 17; thence S 89°30'06" E, a distance of 1329.46 feet along the North boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Southwest corner of Section 9, Township 33 South, Range 18 East, Manatee County, Florida; thence S 89°44'27" E, a distance of 1393.11 feet along the South boundary of the Southwest 1/4 of said Section 9 to the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°55'22" W, a distance of 1334.16 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 9 to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°24'41" W, a distance of 835.46 feet along the West boundary of said Northeast 1/4 of the Southwest 1/4 of Section 9; thence S 89°37'39" E, a distance of 330.00 feet; thence N 00°25'44" W, a distance of 462.00 feet to a point on the Southerly right of way line of Buckeye Road; thence S 89°36'17" E, a distance of 1115.77 feet along said Southerly right of way line of Buckeye Road, said line being 30.00 feet South of and parallel with the North boundary of the Southwest 1/4 of said Section 9; thence continue along said Southerly right of way line, S 89°28'17" E, a distance of 2717.25 feet, said line being 30.00 feet South of and parallel with the North boundary of the Southeast 1/4 of said Section 9, to a point on the West boundary of the parcel described in Official Record Book 1025, Page 3055, as recorded in Manatee County, Florida; thence along said West boundary, S 02°28'25" W, a distance of 2646.27 feet, to a point on the South boundary of the Southeast 1/4 of the aforesaid Section 9, thence N 89°44'33" W, a distance of 29.94 feet to the Northwest corner of the property described in Official Record Book 1030, Page 2797, of the Public Records of Manatee County, Florida; thence along the Westerly boundary of said property, the following four (4) courses; 1) S 00°17'41" E, a distance of 739.10 feet; 2) S 00°19'26" E, a distance of 600.00 feet; 3) S 00°26'20" E, a distance of 539.17 feet; 4) S 00°15'00" E, a distance of 650.17 feet to a point on the East boundary of the Northeast 1/4 of the aforesaid Section 16; thence S 01°00'58" W, a distance of 150.00 feet to the Northeast corner of the Southeast 1/4 of said Section 16; thence S 01°01'40" W, a distance of 587.71 feet along the East boundary of said Southeast 1/4 to the intersection with the aforesaid Northerly Limited Access right of way line of State Road 93A (I-75), said point also being the POINT OF BEGINNING.

Containing 1065± acres, more or less.

LESS existing rights-of-way for 40th Avenue, and Grass Farm Road.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within one year of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners. If more than one year shall elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 3 above, or if any three 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 timeframe 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:

For twenty years from the date upon which this Order becomes final and the appeal period is ended, the County* may not down-zone or reduce the intensity or unit density permitted by this Order, unless the County* can demonstrate that:

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

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

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

SECTION 10. ORDER BINDING UPON DEVELOPER*:

This 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 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 with 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:

The effective date of this Development Order as amended shall be the date upon which the 45-day appeal period has run after the amended Development Order has been rendered, pursuant to Section 380.07, Florida Statutes. All time periods under the Development Order shall run from this effective date, except that annual reports shall continue to be due on May 30th of each year.

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

The previous Development Order for Gateway North, Ordinance 92-30, as amended by Ordinance 93-49; is hereby replaced in its entirety.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 26th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Janice M. Bliss*
Chairman

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

Susan P. Romine

GATEWAY NORTH

Affordable Housing Analysis

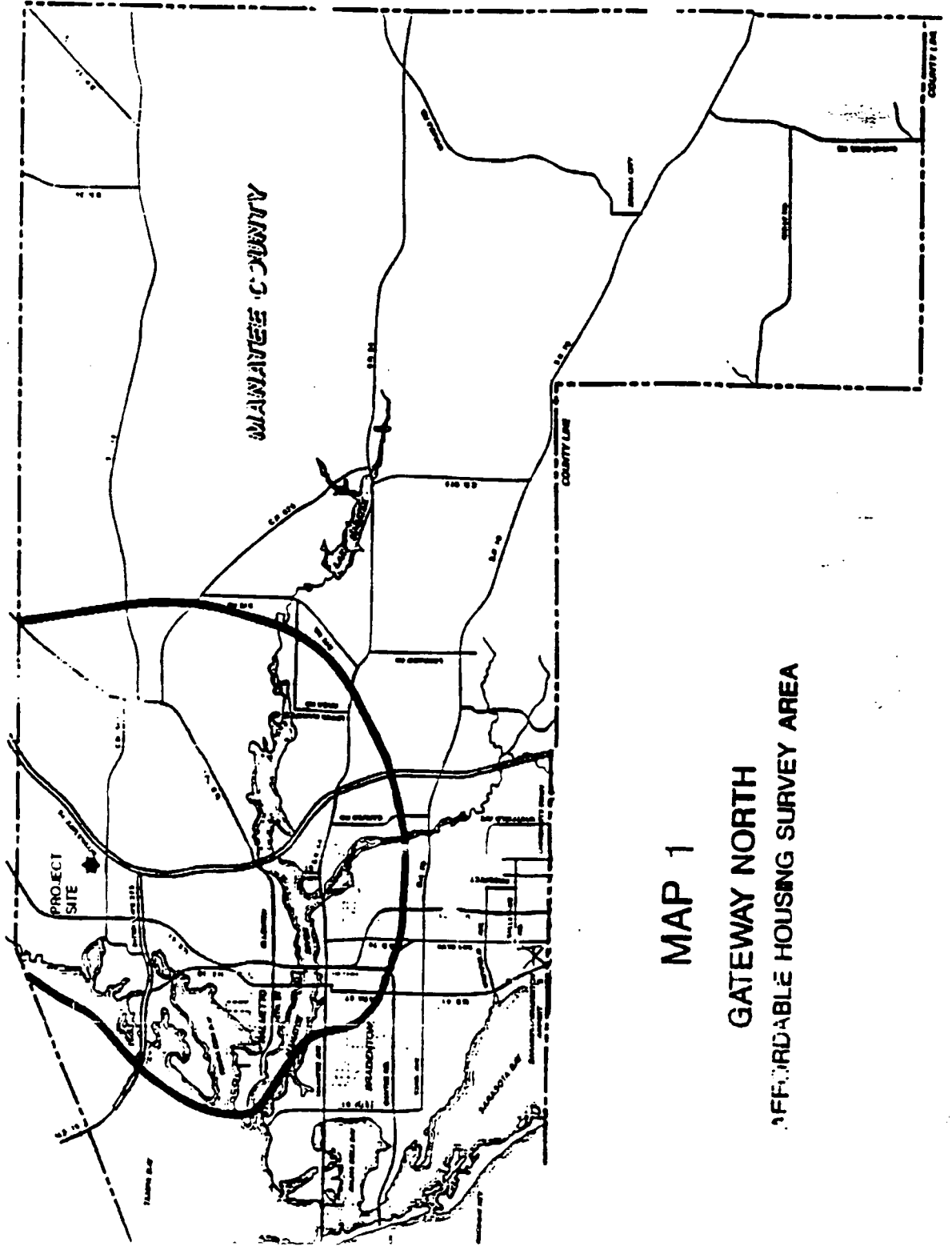
Prepared for:

MAGNOLIA MANAGEMENT CORP.

Prepared by:

DAMES & MOORE

August, 1991



MAP 1

**GATEWAY NORTH
AFFORDABLE HOUSING SURVEY AREA**

TABLE 2 - GATEWAY NORTH
ESTIMATE OF 1991 AFFORDABLE HOUSING INCOME LIMITS FOR 4-PERSON
HOUSEHOLD, BRADENTON MSA

<u>Annual Income Limits</u> <u>4.0 PPH</u>	
Median	\$33,100 ¹
Low	\$26,480 ²
Very Low	\$16,550 ³

NOTES:

1. 1991 median income provided by HUD, 2/15/91.
2. Low income limits established by HUD at 80% of median
3. Very low income limit established by HUD at 50% of median.

TABLE 3 - GATEWAY NORTH
PROJECTED PERMANENT EMPLOYMENT
(By Category and Phase)

Employment Category	PHASE			
	I	II	III	TOTAL
Retail	400	375	338	1,113
Office	1,442	1,400	1,777	4,619
Manufacturing	175	250	258	683
TOTAL	2,017	2,025	2,373	6,415

Source: Dames & Moore, July 1991

- NOTES: 1. Calculations based on the following ratios:
 Retail 1 employee/400 s.f.
 Office 1 employee/250 s.f.
 Manufacturing 1 employee/400 s.f.

In order to determine rental opportunities available within this area, a survey of apartment complexes was conducted. Table 6 contains the name and location of each complex, the total units, the number of units renting for \$377 or less per month, and the number of units with a monthly rent between \$378 and \$662. These monthly rents are the affordable housing limits minus a \$35 average utility payment.

TABLE 5 - GATEWAY NORTH						
HOUSING PRICES BASED ON MONTHLY PAYMENT ABILITY						
Income Status	Monthly Payment	Taxes Insurance	Net payment	Interest Rate	Term (Yrs)	Home Price
Very Low	\$412.5	36.1	376.4	10.0%	30	\$12,870
Low	\$661.9	76.9	585.0	10.0%	30	\$66,660

NOTE: Taxes based on 18 mills, \$25,000 homestead exemption.
Insurance based on .25% of home price per year.

Source: Fishkind & Associates, Inc.

Table 7 provides an estimate of the total # of affordable housing units within the survey area that can be expected to be available each year. Total units available annually for Very Low Income household is estimated at 146. Total available for Low Income households is estimated at 270.

The number of units available annually for purchase is assumed to remain consistent. In order to assure that an adequate number of homes would be available in a shorter time period, Multiple Listing was consulted to determine the number of homes actually on the market at affordable prices during the month of June, 1990. During June, 91 homes were available for Very Low Income households and 225 were available for Low Income households.

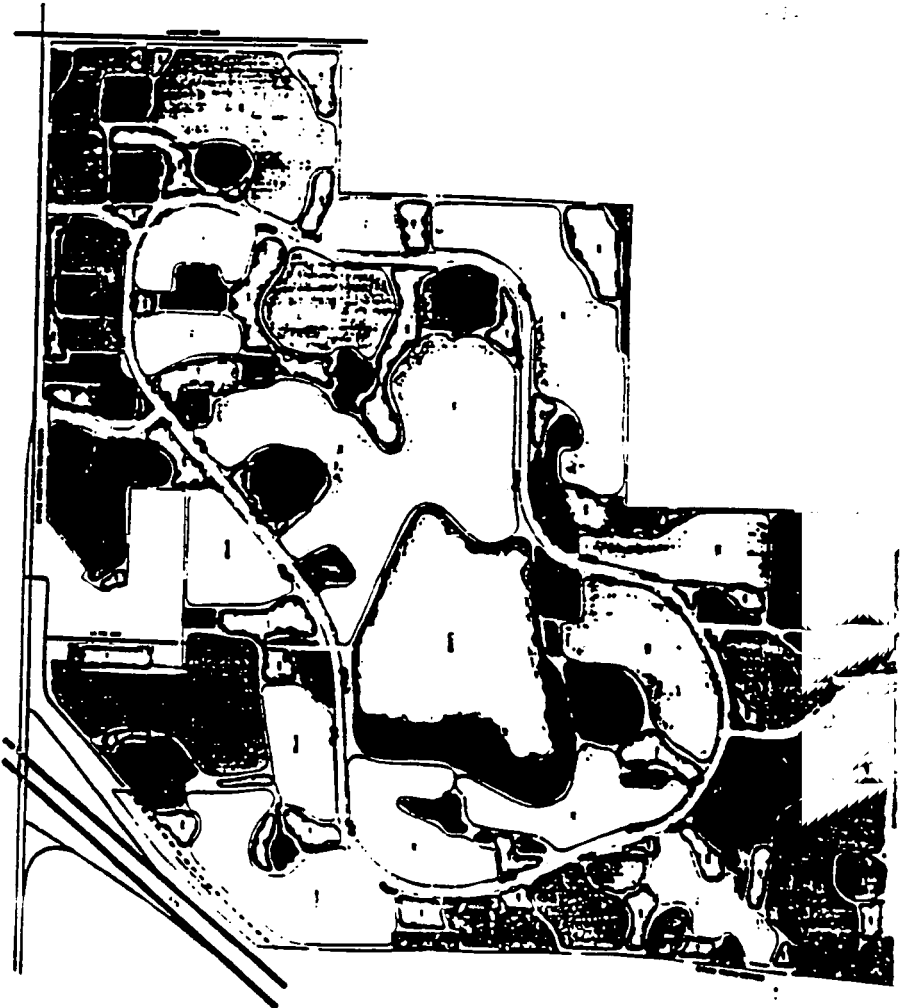
An estimate of rental units available was made by assuming that 5% of the total affordable supply within the study area would be vacant on an annual basis. Previous studies conducted in Manatee County indicated a 5% vacancy rate. Actual turn-over rates are generally much higher, ranging from 10% to 30%.

TABLE 7 - GATEWAY NORTH			
ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY GATEWAY NORTH SURVEY AREA			
Monthly Housing Cost	# Units Available Annually		
	For Sale ¹	For Rent ²	Total
Very Low \$0 - \$377	106	60	166
Low \$378 - \$662	294	42	336
TOTAL:	400	102	502

Source: Dames & Moore, July, 1991

NOTE: 1. For Sale Units from Multiple Listing Service.
2. For Rent assumes 5% vacancy rate.

The supply survey conducted for the Gateway North area did not include mobile homes for sale or for rent, roommate opportunities, or single-family for-sale by owners.



DANES & MOORE
 Smith & Williams, P.A.
 Fishkind and Associates
 Piper Archaeology

**CONCEPTUAL
 MASTER PLAN**

GATEWAY NORTH
 Magnolia Management Corporation

DATE: 11/11/01
 SHEET NO. 111001



MAP
 H

LAND USE SCHEDULE

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
1	RESIDENTIAL	100,000	10.0%
2	COMMERCIAL	200,000	20.0%
3	INDUSTRIAL	300,000	30.0%
4	OFFICE	400,000	40.0%
5	RETAIL	500,000	50.0%
6	RECREATION	600,000	60.0%
7	OPEN SPACE	700,000	70.0%
8	ROADS	800,000	80.0%
9	PARKING	900,000	90.0%
10	UTILITIES	1,000,000	100.0%

- LEGEND**
- 1. Single-Family Residential
 - 2. Multi-Family Residential
 - 3. Office
 - 4. Retail
 - 5. Industrial
 - 6. Recreation
 - 7. Open Space
 - 8. Road
 - 9. Parking
 - 10. Utilities

TABLE SR 16-1

WETLAND #	LAND USE	ACRES	ACRES IMPACT
1	617	9.3	0.7
2	617	1.7	
3	617	0.7	0.7
4	617	1.4	
5	617	0.6	
6	617	1.3	
7	643	1.1	
8	643	1.1	
9	641	2.3	
10	643	5.2	
11	643	0.8	0.8
12	641	1.5	1.5
13	641	8.3	8.3
14	641	1.7	
15	641	2.9	2.9
16	643	0.6	0.6
17	617	2.6	
18	641	2.4	
19	643	0.2	
20	617	0.5	
21	641	0.9	
22	641	4.0	
23	641	1.9	
24	643	2.0	
25	641	3.5	
26	641	1.5	

TABLE SR 16-1

WETLAND #	LAND USE	ACRES	ACRES IMPACT
53	617*	1.6	
54	617*	1.6	
55	617	6.9	
56	617*	2.8	
57	617*	4.8	
58	617*	4.2	
59	617*	5.1	
60	617*	4.5	
61	617	1.3	

ADOPTED: OCTOBER 1, 1991

FILED: OCTOBER 11, 1991

Effective:

ORDINANCE NO. 91-39 OCTOBER 11, 1991

SEWER USE ORDINANCE

START OF
OCTOBER 11, 1991
9 54 AM '91
11/17/91

AN ORDINANCE OF MANATEE COUNTY COVERING THE USE OF THE COUNTY
WASTEWATER DELIVERY, TREATMENT AND DISPOSAL SYSTEM

FILED
OCTOBER 11 1991
10 16 AM '91

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SUPERSEDING AND REPLACING ORDINANCE 98-01, SETTING FORTH THE NECESSITY FOR CONTROL OF THE USAGE OF THE PUBLIC WASTEWATER SYSTEM; PROVIDING DEFINITIONS; PROVIDING FOR USE OF THE PUBLIC WASTEWATER SYSTEM; SETTING FORTH PROHIBITIONS AND LIMITATIONS ON USE OF THE COUNTY SYSTEM; SETTING FORTH PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS; REQUIRING PERMITS; PROVIDING FOR FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; REGULATING HAULERS OF SEPTAGE; PROVIDING FOR PERMIT FEES AND OTHER CHARGES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR AN EFFECTIVE DATE AND FOR SEVERABILITY.

WHEREAS, the County of Manatee, a political subdivision of the State of Florida, is the owner and operator of a County Water and Wastewater System under the "Manatee County Public Works Department," pursuant to the provisions of Chapter 63-1598, Laws Florida, as amended, the provisions of Chapter 153, Florida Statutes, the provisions of County Ordinance 82-1 (codified as Chapter 2-31, Article III, Sections 51 through 53 of the Code of Laws of Manatee County) and other applicable provisions of law, together with resolutions duly adopted by the Board of County Commissioners of Manatee County, Florida; and

SEWER USE ORDINANCE 91-39

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ARTICLE II

DEFINITIONS

Unless the text specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- 2.01 **ACT:** Means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- 2.02 **BOD:** (denoting biochemical oxygen demand) - Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.
- 2.03 **BYPASS:** The diversion of wastestreams from any portion of an industrial user's treatment facility.
- 2.04 **CATEGORICAL STANDARDS:** Means the National Categorical Pretreatment Standards.
- 2.05 **COOLING WATER:** Means the water discharged from any such as air conditioning, cooling, or refrigeration, for which heat is the major pollutant.
- 2.06 **COUNTY:** Means the Board of County Commissioners of Manatee County Florida, and all of the various departments working thereunder.
- 2.07 **CUSTOMER:** Means any user of the Manatee County Wastewater System.
- 2.08 **DIRECT DISCHARGE:** Means the discharge of untreated or treated sewage or wastewater directly to the waters of the State of Florida.
- 2.09 **DIRECTOR:** Means the Director of the Manatee County Works Department, or his authorized deputy, agent, or representative.
- 2.10 **DISSOLVED SOLIDS OR DISSOLVED MATTERS:** Means the solid matter in solution in the wastewater that can be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."
- 2.11 **DOMESTIC SEWAGE:** Means the sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which is substantially similar to domestic sewage.

- 2.20 MANATEE COUNTY WASTEWATER SYSTEM OR SYSTEM: Means facilities and interests in the real and personal property owned, operated, managed or controlled by County now and in the future and used to provide wastewater service to existing and future customers within the service area of Manatee County.
- 2.21 MAXIMUM CONCENTRATION: Means the maximum permissible amount of a specified pollutant in a defined volume of water or wastewater.
- 2.22 MCPWD: Means the Manatee County Public Works Department.
- 2.23 NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDARDS: Means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.
- 2.24 NATURAL OUTLET: Means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- 2.25 NEW SOURCE: Means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under Section 307(c)(33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (a) the construction is a site at which no other source is located; (b) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced or (c) the production or wastewater generating processes are substantially independent of an existing source at the same site.
- 2.26 NORMAL SEWAGE/NORMAL WASTEWATER: Means the combined bath, laundry, garbage disposal, and sink discharges from residential properties.
- 2.27 NPDES: Means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342)
- 2.28 PASS-THROUGH: Means a discharge which exits Manatee County treatment plants into waters of the State of Florida in quantities or concentrations which causes a violation of any requirements of Manatee County's NPDES permit.

2.38 SIGNIFICANT INDUSTRIAL USER:

- (a) Means all industrial users subject to category 1 pretreatment standards under 40 CFR 403.6 and any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater, or an industrial user who contributes a process wastewater stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the receiving wastewater treatment plants, or any industrial user who has a reasonable potential, in the opinion of the Industrial Inspection Manager, to adversely affect the County's treatment process (inhibition, pass-through of pollutants, sludge contamination, endangerment of Manatee County operators.)
- (b) Upon a finding that an industrial user meets the criteria as set forth above has no reasonable potential for adversely affecting the County operation or for violating any pretreatment standard or requirement, Manatee County may, at any time, on its own initiative, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

2.39 SIGNIFICANT NONCOMPLIANCE:

- (a) Means chronic violations of Manatee County's discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed the discharge limits for the same pollutant parameter.
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed discharge limits, or the average limit multiplied by the applicable TRC (TRC 1.4 for BOD, Total Suspended Solids, fats, oil and grease and 1.2 for all other pollutants with the exception of pH.)
- (c) Any other violation of a pretreatment effluent limit that Manatee County determines has caused, alone or in combination with other discharges, an interference or pass-through (including an endangerment to the health of Manatee County personnel or the general public.)
- (d) Any discharge of a pollutant...

2.47 WATERS OF THE STATE: Means any surface or ground-water located within the boundaries of the State of Florida or over which the State of Florida exercise jurisdiction.

- 3.09 UNLAWFUL DISPOSAL: No person shall discharge into any natural outlet within the County, into any storm sewer, or anywhere other than an approved facility waste materials of any nature including but not confined to polluted waters, industrial wastes, septic effluent or overflow, sanitary sewage, hazardous materials, toxic materials, inflammable liquids, solid wastes, pesticides and heavy metals.
- 3.10 OSHA STANDARDS: All construction activity by MCPWD or by contractors responsible to MCPWD shall be conducted in accordance with safety standards established by the Federal Occupational Safety and Health Agency.
- 3.11 DIRECTOR RESPONSIBLE: Except as otherwise provided herein, the Director of MCPWD shall administer, implement, and enforce the provisions of this Ordinance.
- 3.12 RIGHT TO ENTER: Authorized personnel from MCPWD shall have the right to enter the premises of any individual or business that is discharging into the sanitary sewer system for the purpose of sampling and inspection and examining and copying records. Representatives of the State of Florida and EPA shall also have the right to enter the premises of any user who is subject to the requirements of this Ordinance.

- (b) Any solid, semisolid, or viscous substances which may cause interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes. Specifically prohibited is the heating of the contents of grease traps and discharge to the County system.
- (c) Any sewage or industrial process waste having a pH lower than five (5.0) or higher than ten (10.0), or any substance having any other corrosive or scaling properties capable of causing damage or a hazard to structures, equipment, lifelines, and/or personnel of the Manatee County Wastewater System.
- (d) Toxic pollutants or any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any County Treatment Plant or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended and also known as the Clean Water Act, 33 U.S.C. 1251, et seq. The most stringent of national, state, and local toxic discharge limits shall be enforced.
- (e) Noxious and malodorous materials, including any noxious or malodorous liquids, gases, or solids, other than normal sewage, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard.
- (f) Materials affecting effluent and sludge disposal including any substances which may cause any

give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) High temperature wastewater, including any sewage or wastewater having a temperature in excess of 100 degrees Fahrenheit, which will inhibit biological activity in any treatment plant.
- (b) Unshredded garbage including any garbage that has not been properly shredded to the extent that particles are 1/2" and less in size.
- (c) Substances producing unacceptable odors, including any water or wastes containing phenols or other wastes in such concentrations that, after treatment, will exceed limits which may be established as necessary for reuse of effluent or sludge.
- (d) Any radioactive wastes or isotopes of any description.
- (e) Unacceptable flow rates - slugs including any organic pollutants, heavy metals, or oxygen demand pollutants released at a flow rate and/or pollutant concentrations which a user knows or has reasons to know will cause damage to Manatee County's Sanitary Sewer Collection System or the receiving wastewater treatment plants. In no case shall an intentional slug load be discharged into the County's sewer system. (For purposes of this Section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.) In cases of accidental slug releases, notification must be given to MCPWD within 24 hours, and must be followed up with a written report within 5 days of the slug release. This report must explain why the slug release happened and what measures will be taken to prevent such a spill in the future. The notification shall include:
 - (1) The date, time, location and duration of discharge.
 - (2) The type of waste including concentration and volume.
 - (3) Any corrective action taken by the user.

4.08 MANATEE COUNTY INDUSTRIAL DISCHARGE LIMITS

<u>Parameter</u>	<u>Limit mg/l</u>	<u>Collection Method</u>
Arsenic - Total	1.65	Composite
Beryllium - Total	0.35	Composite
Cadmium - Total	0.11	Composite
Chromium - Total	2.77	Composite
Copper - Total	3.38	Composite
Cyanide - Total	1.20	Composite
Lead - Total	0.69	Grab
Mercury - Total	0.11	Composite
Nickel - Total	3.98	Composite
Selenium - Total	1.65	Composite
Silver - Total	0.43	Composite
Zinc - Total	2.61	Composite
Total of 12 Metals	9.40	Composite
pH	3.0 - 10.0	Grab
Chloride - Total	350	Composite
Biochemical Oxygen Demand	1200	Composite
Suspended Solids - Total	1200	Composite
Oil and Grease - Total	140	Grab
Toxic Organic - Total	2.13	Grab

4.09 ADMINISTRATIVE SURCHARGES: Notwithstanding any other section of this Ordinance, any industrial user who is found to have exceeded the above discharge limits or limits set forth in permits or orders issued hereunder, shall pay a surcharge in an amount not to exceed one thousand dollars (\$1000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such surcharges shall be added to the user's next scheduled sewer service charge.

4.10 FALSIFICATION OF DATA: Any company, business, or person that knowingly falsifies data, shall be subject to a surcharge of up to one thousand dollars (\$1000.00) and/or termination of service.

4.11 DILUTION PROHIBITED: No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Federal or State requirement, or to achieve compliance with this Ordinance.

- 5.03 COUNTY STANDARDS: Maximum allowable concentrations of certain materials and elements are listed in the tables in Article IV. Dilution of discharge to meet concentration standards is not an acceptable method of meeting standards. Toxic parameters are not allowed in excess of the stated parameters. Article IV also specifies discharges to the County's system which are prohibited. Industrial and other users whose wastewater does not meet County standards must establish pretreatment facilities providing discharges meeting County standards.
- 5.04 PRETREATMENT CANDIDATES: The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewers: bleaching and dyeing, bottling, brewing, cotton textile manufacture, processing dairies, dairy products, distilling, fat rendering, film processing, galvanizing, glue manufacturing, laundromats, lens grinding operations, manufacturing of syrups, jams or jellies, plating facilities, meat packing, metal pickling or plating, munition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber products, salt works slaughterhouses, soap making, sugar refining, tanning, wood scouring or washing, or any person or industry producing industrial process waste, as defined, or any person producing wastes with strong acid or alkaline reactions which will form deposits in, or cause damage to, the sewers or to appurtenances of sewage treatment works. The Director of MCPWD may place additional industries on this list as needed.
- 5.05 PRETREATMENT FACILITIES: Users that must provide pretreatment facilities must design, construct, maintain, and monitor them at their own expense. Such facilities must provide protection against accidental discharge and such protection must be approved by the County prior to connection to the County system. Included must be an effluent sampling manhole (control manholes) which must be available to the County at all reasonable times for sampling. Use monitoring schedule must be approved by the County and monitoring results made available for review by the County.
- 5.06 ACCIDENTAL DISCHARGES: Accidental discharges of prohibited materials or substances regulated by this Ordinance require, within 24 hours, telephone notification to the Director of MCPWD or his representative, MCPWD, or the representative in charge. Such notification does not relieve the discharger of any liability. Within 5 days following the occurrence the user shall provide the Director of MCPWD with a written report describing the cause of the discharge and measures taken to prevent future occurrences.

5.08 SPILL PREVENTION PLANS:

- (a) Industrial users shall provide protection from accidental discharge of materials which may interfere with Manatee County's collection system or the receiving wastewater treatment plants by developing a spill prevention plan. Spill prevention plans shall be approved by MCPWD prior to construction of the facility. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- (b) Industrial users that store hazardous substances shall not contribute to Manatee County's Sanitary Sewer Collection System after the effective date of this Ordinance unless a spill prevention plan has been approved by Manatee County.
- (c) MCPWD shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary. If the County decides that a slug control plan is needed, the plan shall contain the following elements:
 - (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals and quantities.
 - (3) Procedures for immediately notifying Manatee County of a slug load discharge, including any discharge that would violate a prohibition, with procedures for follow-up written notification within five days.
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, maintenance of materials, control of plant site runoff, worker training, building of containment structures, and/or measures and equipment for emergency response.

requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

3.10 MEASUREMENTS, TESTS, ANALYSES: All sampling measurement tests and analyses of the characteristics and composition of waters and wastes to which reference is made in the Ordinance shall be done in accordance with regulations specified in 40 CFR 135 which must be used for compliance testing by all industrial users, Methods for Chemical Analysis of Water and Wastes, and any applicable regulations as published by the USEPA for sampling which shall be at the control manhole, or sampling site as designated by MCPWD. If such a site is not available is incumbent upon the user to place in line, a suitable sampling port, which must be approved by MCPWD.

3.11 BASELINE REPORT (for categorical dischargers only)

- (a) Industrial users subject to National Categorical Pretreatment Standards shall submit Baseline Report to MCPWD in a form prescribed and furnished by MCPWD.
- (b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4) whichever is later, industrial users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging into the Manatee County Wastewater System, shall submit a properly completed Baseline Report.
- (c) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge, to MCPWD.
- (d) In support of the Baseline Report, the industrial user shall submit in units and terms specified in the application, the following information:
 - (1) Name and address of the facility, including the name of the operator and owners.
 - (2) List of any environmental control permits held by or for the facility.

data necessary to comply with the requirements of this paragraph.

- (5) A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.
- (7) If additional pretreatment or O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.
 - (1) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste stream formula (40 CFR 403.6(e)), or net/gross calculations (40 CFR 403.15) at the time the industrial user submit a Baseline Report, the information required in Section 4.1(d)(6) and (7) shall pertain to the modified limits.
 - (2) If the National Categorical Pretreatment Standard for the industrial user is modified after the Baseline Report is submitted, the industrial user shall make any necessary amendments to information provide as a response to Section (d)(6) and (7) and submit them to MCPWD within 60 days after the modified limit is approved.

For a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

5.13 PERIODIC COMPLIANCE REPORTS:

- (a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into Manatee County's Collection System, shall submit to MCPWD during the months of June and December, unless required more frequently in the pretreatment standard or by the Industrial Inspection Manager a report indicating the nature and concentration of pollutants in the effluent which are limited such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 5.11(d). At the discretion of the Director of MCPWD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of MCPWD may alter the months during which the above reports are to be submitted.
- (b) Significant noncategorical industrial users shall submit to the MCPWD at least once every six months (on dates specified by the Director of MCPWD) a description of the nature, concentration, and flow of the pollutants required to be reported by MCPWD.

(d) Signatory Requirements for Baseline Monitoring Reports, Compliance Data Reports, and Periodic Compliance Reports: The reports required by this section must be signed by an authorized representative of the industrial user. An authorized representative may be:

- (1) A principal executive of at least the level of vice president, if the industrial user submitting the reports is a corporation.
- (2) A general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
- (3) A duly authorized representative of the industrial user if such representative is responsible for the overall operation of the facility from which an industrial discharge originates.

All reports signed by the above named authorized representative of industrial users shall contain the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather, evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation

(e) Significant Noncategorical Industrial User Monitoring Requirements: Significant non-categorical industrial users shall submit to MCPWD at least every six months, a description of the nature, concentration, and flow of the pollutants required to be reported.

ARTICLE VI

PERMITS REQUIRED

- 6.01 **PERMIT ESTABLISHED:** The County hereby establishes industrial wastewater discharge permit. The Director may include reasonable and necessary terms, and conditions in the permit. A permit will not be issued until all applicable fees and charges are paid and provisions of this Ordinance are otherwise met.
- 6.02 **LATERAL SEWER PERMITS:** Lateral sewer lines from sewer main to the property line are installed by applicant shall be the responsibility of MCPWD. The structure of the lateral from the property line to the structure is under the jurisdiction of the Manatee County Planning and Development Department. Specifications for on site laterals are set forth in the Manatee County Plumbing Code. Off site specifications are set forth in Manatee County Public Works uniform sewer specifications.
- 6.03 **WHERE REQUIRED:** All industrial users who discharge into the Manatee County wastewater system must first obtain a permit. Industrial dischargers connected to the system prior to the effective date of this Ordinance have six (6) months to apply for a permit, but such discharger is subject to all other provisions of this Ordinance.
- 6.04 **PERMIT APPLICATION:** An application form prescribed by the County must be completed and filed with MCPWD. Where appropriate, the applicant shall submit:
- (a) Name, address, telephone number of applicant, location of the industrial facility, and name and address of the owner of the premises from which wastewater is to be discharged.
 - (b) A description of the operations and processes utilized by the operations, type and amount of raw materials processed and type of products produced.
 - (c) Average daily and peak hourly wastewater flow rates, include daily, monthly and seasonal variations, if any, and estimated time and duration of daily and peak flows.

- (h) Requirements for collecting and retaining plant records relating to an industrial user discharge
- (i) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the pretreatment system.
- (j) Requirements for notification of spills, release of slug loads, and upsets or violations.
- (k) Requirements for installation, operation and maintenance of pollution control equipment.
- (l) Requirements to implement spill and slug control plans.
- (m) Statement of civil and criminal penalties for violation of Federal laws and this Ordinance.

The above list of permit contents is not to be considered all-inclusive.

6.06 ISSUANCE OF PERMITS: The permit should be issued or denied within 60 calendar days after all required data has been submitted. A permit may contain appropriate restrictions or requirements. Upon denial, an applicant has 30 calendar days in which to modify his application or make whatever processing or other changes necessary. Issuance of a permit does not relieve the discharger from complying with all applicable laws, regulations, and ordinances of local authorities. If pretreatment of a discharge is required to achieve compliance with the limitations in wastewater strength or composition, pretreatment facilities must be in place and approved by the County prior to issuance of a permit.

6.07 DURATION OF PERMITS: Permits shall be issued for a period of three (3) years.

6.08 MODIFICATION OF PERMITS:

- (a) The terms and conditions of any permit may be changed by the County during the life of the permit to accommodate changes in local, state, or federal regulations or in the event that data upon which the permit was issued has changed, permit holders shall be notified of a change sixty (60) days prior to the effective date of the change.
- (b) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require

ARTICLE VII
FEES AND CHARGES

Treatment rates, fees, and other charges related to usage of the County's wastewater system are established under a Rate Resolution adopted by the Board of County Commissioners. The user charge system shall:

- (a) Provide sufficient revenue to fund all operation, maintenance, replacement, and debt service cost of the system;
- (b) Be based on actual quantities and quantities discharged to the system by user;
- (c) Be based on equitable distribution of operation and maintenance costs to each class of customer or user;
- (d) Be based on experience and itemized budgeted costs approved by the Board of County Commissioners;
- (e) Allow for annual or biennial review; and
- (f) Provide for notification of proposal rate changes pursuant to law.

upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the County within 5 calendar days of the date of occurrence. In addition to any other penalties, the violator will pay all tapping and reconnection costs if such apply.

- 8.04 **REVOCATION OF PERMIT:** In addition to the revocation condition of 8.03, any user who violates any of the following conditions or applicable Federal and State regulations is subject to having his permit revoked.
- (a) Failure to factually report the wastewater discharge constituents and characteristics.
 - (b) Failure to report significant changes in wastewater constituents and characteristics.
 - (c) Refusal of reasonable access to the user's premises.
 - (d) Obtaining a permit by misrepresentation or failure to fully disclose.
 - (e) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
 - (f) Violation of any of the conditions of the permit.
- 8.05 **DISCHARGING WITHOUT PERMITS:** Any industry discharge to the County's system without a permit, in addition to all other penalties, will be charged twice the normal permit fee. Normal permit fees are as provided in Ordinance.
- 8.06 **DISCHARGING TOXIC SUBSTANCES:** In addition to any other penalties, the full costs to the County of disposal treatment and all other related costs related to toxic substances in the wastewater will be charged to the discharger.
- 8.07 **DISCHARGES RESULTING IN CORRECTIVE MAINTENANCE, REPAIR OR REPLACEMENT:** In addition to any other penalties, discharges that result in damage to any component of the system, or the clogging of lines, will result in repair, maintenance, and replacement costs being charged to the offender.

ARTICLE IX

WASTE HAULERS AND SEPTAGE

- 9.01 **WASTE HAULER:** Waste Hauler is defined as any person, commercial or industrial enterprise, permitted, licensed or otherwise allowed to carry or carrying solid waste, sewage, sewage sludge, chemical wastes or biological materials, which may otherwise be defined as "septage". The waste hauler is subject to all parts of this Ordinance and to any and all parts of 40 CFR 403.
- 9.02 **WASTE HAULER PERMIT:** A waste hauler must, in addition to any other permit, have a valid, current permit to discharge septage at any treatment facility operated by Manatee County. This permit to discharge septage, shall be issued by the Industrial Compliance Office of MCPWD. Permits may be obtained from the Industrial Compliance Office by completing the necessary application form.
- 9.03 **WASTE HAULER MANIFEST:** Any waste hauler discharging into any Manatee County treatment facility shall have a manifest before any discharge will be allowed. This manifest shall include the origin of all septage to be discharged. This means:
- (a) The name and address of the facility from which the waste hauler picked up the septage.
 - (b) A description of the septage as to being:
 - (1) Residential
 - (2) Commercial
 - (3) Industrial
 - (4) Otherwise
 - (c) Detailed description.
 - (d) The date of the pick up.
 - (e) The time of the pick up.
 - (f) Person(s) responsible from which the septage was taken.
- 9.04 **MANIFEST FORMS:** The manifest forms must conform to the example as shown on figure 9.04(A).

- 9.05 SEPTAGE UNLOADING FEE: A septage unloading fee shall be based upon a rate of twenty-eight dollars(\$28.00) per thousand(1000) gallons. The minimum fee shall be twenty-eight dollars(\$28.00).
- 9.06 CONTAMINATED SEPTAGE: Any Waste Hauler and the person(who generated the septage being hauled shall be responsible for any introduction of materials that are over burdened with conventional or toxic parameters as described in Article IV of this Ordinance, or that are otherwise harmful to the treatment facility as described in this Ordinance. This means that the Waste Hauler and the person(s) who generated the septage will be subject to all fines and any other charges as stated within this Ordinance.
- 9.07 NUMBER OF SEPTAGE LOADS: If the number of Waste Hauler and the amount of septage poses a hydraulic or other threat to the treatment facility, in the opinion of the treatment facility superintendent, all such loads may be rejected and rescheduled for a different time or a different treatment facility.
- 9.08 SEPTAGE DISCHARGE: Septage may be discharged during normal working hours as designated by the treatment facility superintendent. The superintendent shall reserve the right to deny any and/or all septage discharges for any reason. All trucked and hauled septage waste shall be discharged into Manatee County's Septage Receiving Station located directly west of the Southwest Regional Wastewater Treatment Plant.
- 9.09 SEPTAGE SAMPLING: Septage may be sampled by the treatment facility personnel prior to, during, or after discharge, to insure compliance with this Ordinance. If there is any reason to suspect the septage as being potentially harmful, the septage will be sampled and analyzed prior to discharge, if possible.
- 9.10 MODIFICATION, TRANSFERABILITY, REVOCATION, FINES, AND PENALTIES: The Director of MCPWD reserves the right to modify the Waste Hauler's Permit at any time. The modification of said permit will come from the Director, in writing, with at least five (5) days advance notice. At no time is the transferring of a permit to another vehicle, company, person, industry, or enterprise allowed. Any person, company, industry or enterprise found doing so will be subject to fines and/or revocations of the permit as defined in this Ordinance.

ARTICLE I

PERMIT FEES AND OTHER CHARGES

10.01 INSPECTION FEES:

- (a) Inspection fees are to be charged at the rate of twenty-five dollars (\$25.00) per hour with the fee not to exceed one hundred fifty dollars (\$150.00) for the inspection phase of the permitting process.
- (b) Violation inspection or if an industry or commercial operation is found to be out of compliance, the industry or commercial operation will be charged at the rate of thirty-five dollars (\$35.00) per hour per person per visit until said industry or commercial operation comes into compliance.
- (c) Analytical costs or the costs of performing analyses on a non-compliance operation will be charged at the current analytical rate as charged by the MCPWD laboratory and/or with any charges incurred by the County in conjunction with another outside laboratory performing analyses that are not analyzed by the MCPWD laboratory.
- (d) Any analytical cost not covered or any cost incurred in the analytical field during a non-compliance inspection, will be billed to the violator at the County's cost plus the handling charges incurred by the County.

10.02 INDUSTRIAL DISCHARGE PERMIT FEE:

- (a) Type I.....\$1,800.....3 Year Period
- (b) Type II.....\$900.....3 Year Period
- (c) Type III.....\$250.....3 Year Period

cease and desist order may be used to suspend or permanently revoke an Industrial Discharge Permit. The cease and desist order may order an industrial user to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

- 11.06 **ADMINISTRATIVE SURCHARGES:** Notwithstanding any other section of this Ordinance, any industrial user who is found to have violated any provision of this Ordinance, or of permits, or of orders issued hereunder shall be charged an amount not to exceed one thousand dollars (\$1000.00) per day of violation. Such assessments shall be added to the industrial user's next scheduled sewer service charge.
- 11.07 **EMERGENCY SUSPENSION:** The Director may suspend an Industrial Discharge Permit if such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of County workers, any treatment plant, or the environment. Any industrial user notified of a suspension shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The Director shall allow the user to recommence its discharge when the endangerment has passed. An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the Director.
- 11.08 **ENFORCEMENT - JUDICIAL REMEDIES:** If any person discharges sewage or industrial waste into Manatee County's Sanitary Sewer Collection System contrary to the provisions of this Ordinance, or any order or permit issued hereunder, the County, through the County Attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Manatee County.
- 11.09 **INJUNCTIVE RELIEF:** Whenever an industrial user has violated or continues to violate the provisions of this Ordinance, or of any permit, or of orders issued hereunder, the County, through the County Attorney may petition the court for the issuance of a preliminary or permanent injunction, or both, which restrains or compels the activities of the industrial user.

- (c) The Director or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence.
- (d) The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.
- (e) If the alleged violating user is represented at the hearing by counsel, the MCPWD shall likewise be represented by the Office of the County Attorney.
- (f) The Director shall issue written findings as soon after the hearing as is practicable.
- (g) The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to MCPWD no later than ten (10) days after the violator's receipt of the Director's written findings.

**GATEWAY NORTH
WILDLIFE MANAGEMENT PLAN**

December 9, 1993

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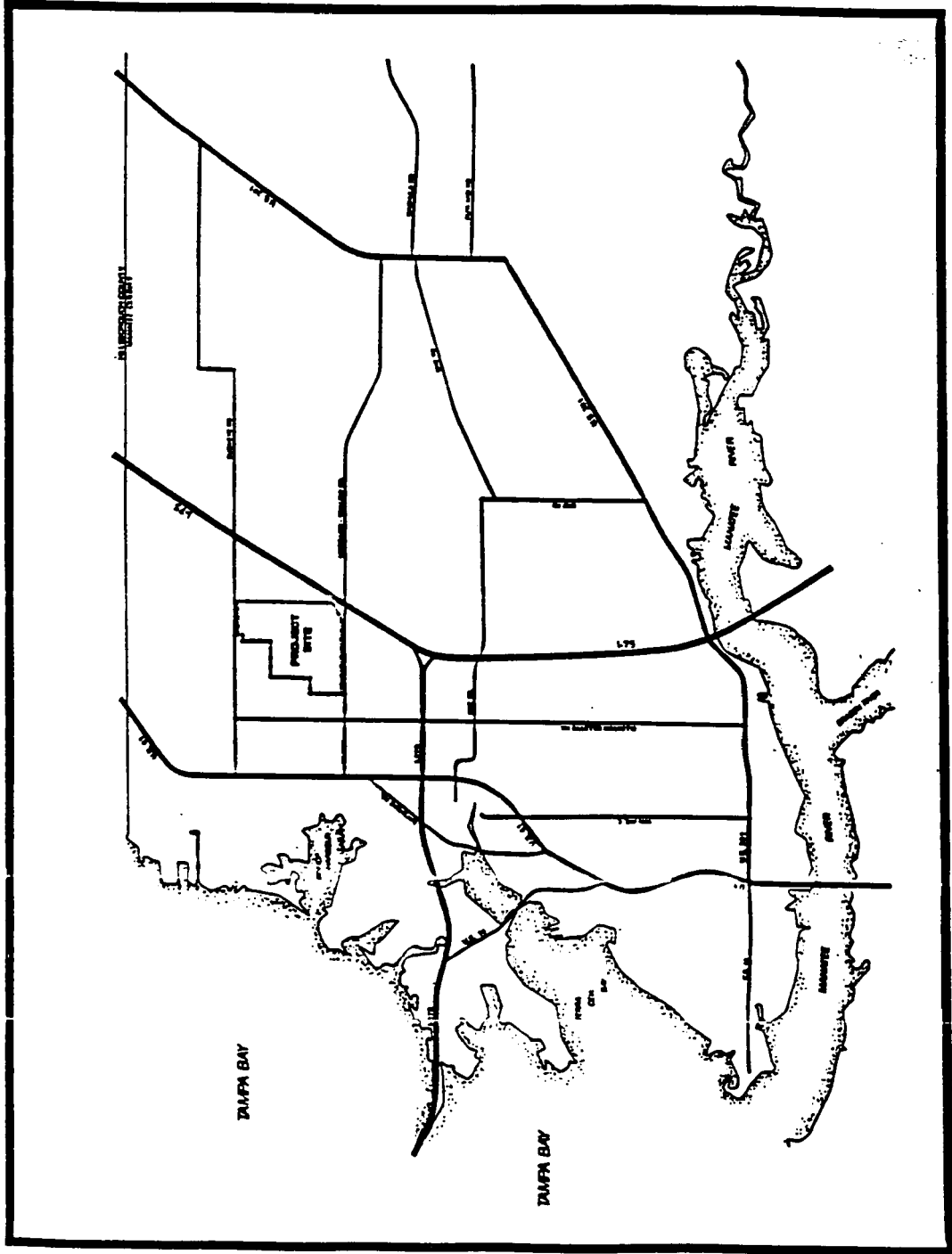


FIGURE 1. GATEWAY NORTH PROJECT LOCATION.

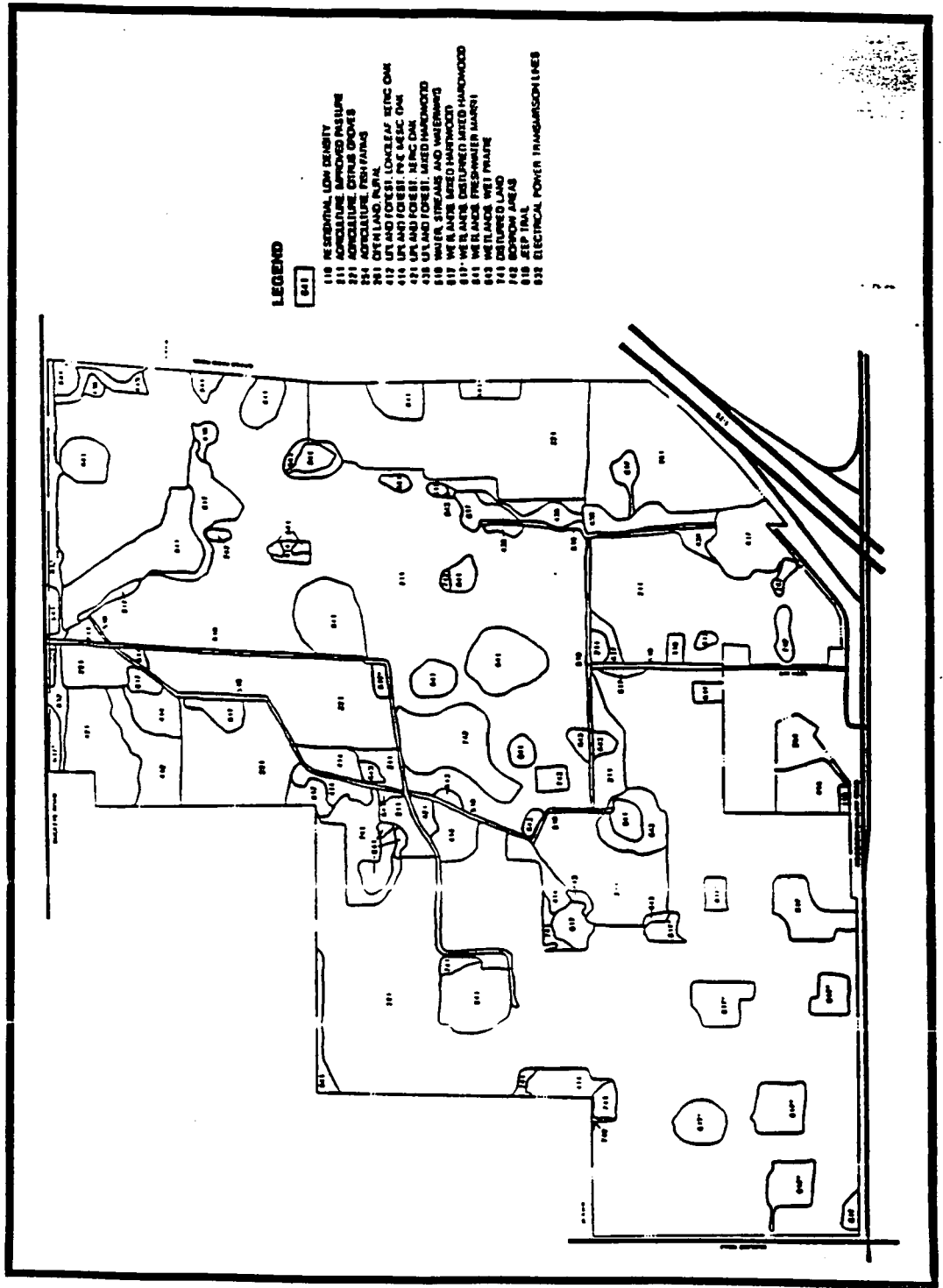


FIGURE 2. GATEWAY NORTH LAND USE AND EXISTING VEGETATIVE ASSOCIATIONS.

sampling program was conducted in general accordance with the Florida Game and Fresh Water Fish Commission's Wildlife Methodology Guidelines (FGFWFC, 1988). As described in the DRI/ADA (Dames and Moore, 1990).

"Surveys were performed to determine existing wildlife usage of the property. The previously discussed vegetative community mapping was reviewed to select representative areas of the various habitats and to concentrate efforts in areas of suitable habitat. In May 1990, approximately 130 man-hours were logged in the field performing the wildlife assessment. The surveys generally consisted of meandering pedestrian transects in all vegetative communities on the property."

3.1 Wetland Surveys

Marshes, wet prairies, mixed wetland hardwoods and borrow areas were included in the wetland surveys. Wetlands were surveyed during the morning and evening hours for four days. Due to recent drought conditions, most of the wetlands were dry. The investigation was concentrated at two sites, a freshwater marsh in the northeast and a borrow area in the central portion of the property. These two areas provided the most suitable forage habitat for wildlife utilizing on-site wetlands at the time of the surveys.

A follow-up survey was conducted in an effort to determine the presence of a reported Florida Sandhill Crane nest. A supplemental pedestrian survey of herbaceous wetland habitats was conducted to seek evidence of on-site nesting by Sandhill Cranes (Dames and Moore, 1991).

3.2 Upland Surveys

The upland wildlife surveys consisted primarily of linear and meandering pedestrian transects through areas of suitable habitat in May 1990. Meandering transects were used to maximize site coverage.

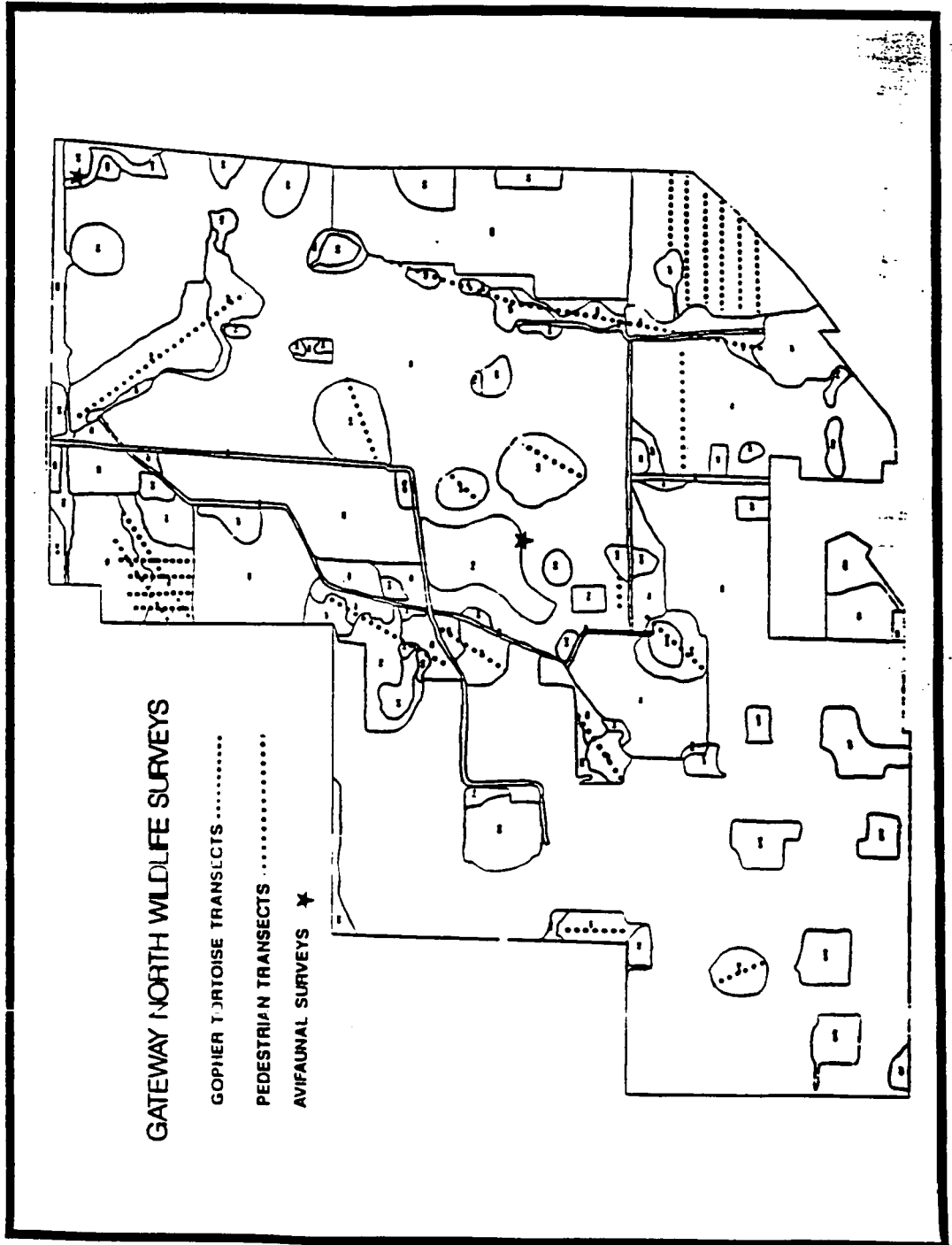


FIGURE 3. GATEWAY NORTH WILDLIFE SURVEYS.

UNIVERSITY OF CALIFORNIA, BERKELEY, WILDLIFE SURVEYING RESOURCES

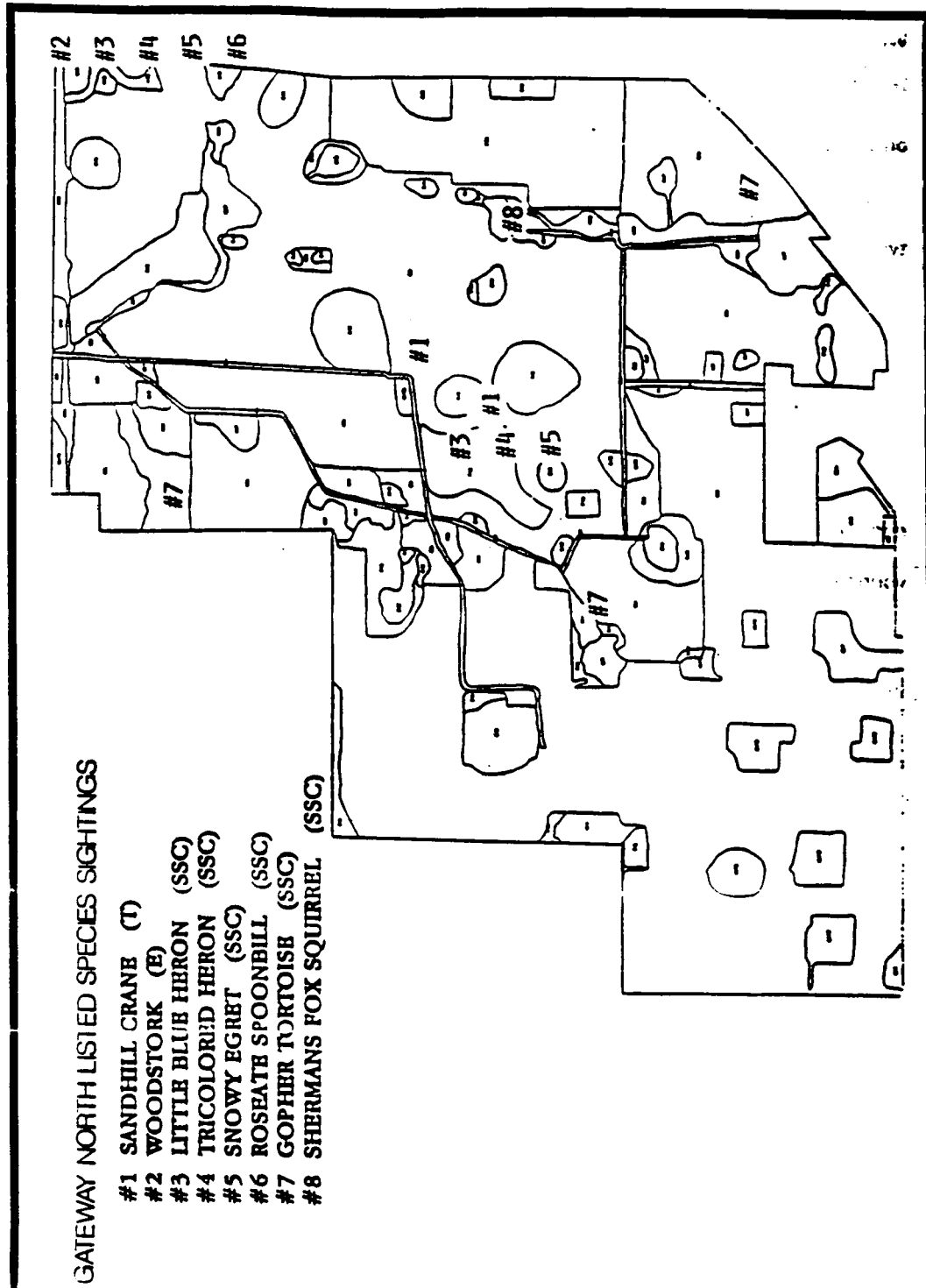


FIGURE 4. GATEWAY NORTH LISTED SPECIES SIGHTINGS.

code 211) comprising 5 acres. The isolated, active burrows were located 900 feet southwest, and 600 feet west-northwest, respectively, of the large borrow pit.

Using a conversion factor of 0.614 (Auffenberg and Franz, 1982), the composite number of active and inactive burrows yields estimated colony sizes of 7 and 6. Assuming each of the isolated burrows has one resident, the estimated total number of Gopher Tortoises on the parcel is 15. The estimated density of tortoises in the two colonies is 1.7 and 1.2 tortoises per acre, respectively.

Sherman's Fox Squirrel (*Sciurus niger shermani*): A single Sherman's Fox Squirrel was observed within a wetland adjacent to an upland mixed forest on the site. Sherman's Fox Squirrels typically prefer sandhills and longleaf pine/turkey oak associations and sand pine scrub. In the absence of these habitats Fox Squirrels prefer open pine/oak woodlands and mixed forests where they can build their tree nests and feed on nuts and seeds.

4.0 HABITAT CONSERVATION AND MANAGEMENT

The Gateway North development plan sets aside over 433 acres of habitat (Table 3). Both upland and wetland habitats will be preserved and additional wetland habitats will be created as compensation for impacts to wetlands and as open water bodies (Figure 5). Specific requirements of the protected species found on site are addressed below.

4.1 Wading Birds

The protected wading birds observed on site, the Wood Stork, Florida Sandhill Crane, Little Blue Heron, Snowy Egret, Tri-colored Heron, and Roseate Spoonbill will be

protected by providing sufficient wetland and open water habitat. Both wetland and open-water habitats will receive net increases in acreage. At least 35% of the wet detention areas will be vegetated as required by the Southwest Florida Water Management District rules outlined in the District's Basis of Review for Surface Water Management Permit Applications within the Southwest Florida Water Management District. Typically this involves the planting of herbaceous wetland species or the maintenance of naturally recruited wetland vegetation within stormwater lakes (detention areas) designed to capture and treat stormwater runoff prior to discharge into the receiving streams. These areas are expected to serve as suitable foraging and possibly nesting habitat for some wading birds.

Wading birds will be accommodated by 155.9 acres of preserved wetland habitat, 26.5 acres of mitigation wetlands, and 224.5 acres of lake and stormwater ponds for foraging. In addition to the wetland acreage, a thirty-foot wide upland buffer will be maintained around preserved and created wetlands. Although there is no documentation that any of these species utilize the site for nesting, one of the proposed mitigation areas has been designed to replace sandhill crane nesting habitat which would be impacted by creation of the 72.9 acre lake. The mitigation area, located on the east end of the lake, was required in the permit for the lake and is expected to exceed the quality of the currently available nesting habitat for Florida Sandhill Cranes. This mitigation area was designed based upon FGFWFC Sandhill Crane Nesting Site Criteria. Specifically, a transitional wetland will be excavated between seasonal high water (SHW) level and two feet below SHW and vegetated with sand cordgrass (*Spartina bakeri*), soft rush (*Juncus effusus*), maidencane (*Panicum hemisomon*), arrowhead (*Sagittaria* spp.), and

The locations of the mixed hardwood wetland and associated upland forest/mixed hardwood habitats for the fox squirrel protection area are indicated on Figure 5.

4.3 Gopher Tortoise

The protection of the Gopher Tortoise on site will be accomplished through preservation, maintenance and management as appropriate, of a 24.3 acre upland park/habitat preserve in the northwest corner of the project. A colony of tortoise currently resides in this area. The park is comprised of three upland land use types: xeric oak forest (421) (~12.7 acres), longleaf pine/xeric oak forest (412) (~8.1 acres), and pine mesic oak forest (414) (~3.5 acres). In accordance with the Development Order requirements, the upland park/habitat preserve will be conveyed to Manatee County prior to future development approval.

The acreage of tortoise habitat and the number of individuals on site does not meet the threshold for habitat protection as discussed in "Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida" (Cox, *et al.*, 1987). However, the proposed protection of the entire four (4) acres (44%) of occupied longleaf pine/xeric oak forest on site exceeds the 25% (2.25 acres) protection guideline for the nine acres (4 acres of pine/oak plus 5 acres of improved pasture) of occupied habitat occurring on the property. The proposed park/habitat preserve area, therefore, satisfies the guidelines

4.4.1 Park Site

The features that characterize Gopher Tortoise habitats are: the presence of well drained, sandy soils which allow easy burrowing; an abundance of herbaceous ground cover for food; and an open canopy and sparse shrub cover which allows sunlight to reach the surface of the ground (Cox, *et al.*, 1987). The park site/habitat preserve currently fully satisfies only the soils condition. Because the site is overgrown with saw palmetto (*Serenoa repens*), muscadine grape (*Vitis* spp.), and oak (*Quercus* spp.) seedlings, saplings and runner plants, the herbaceous cover is low to moderate.

Techniques that shall be employed as appropriate to enhance and maintain the park area consist of mechanical treatment alone or in combination with prescribed burning. Because of the existing overgrown vegetative character of the park site and thick leaf litter layer (up to nine inches), an initial mechanical treatment could reduce the fuel load and make possible a prescribed burning plan. Prescribed burning could effectively lower the available fuel quantity, but is recommended only if it can be done in a manner that is safe and does not cause irreparable harm to the canopy. However, if in the future controlled burning is deemed inappropriate because of smoke or fire safety concerns, mechanical treatment should provide satisfactory results for continuance and improvement of the tortoise habitat.

4.4.1.1 Prescribed Burning

Fire plays a major role in native communities such as the xeric oak, longleaf pine/xeric oak, and pine/mesic oak upland forests on the site. Fire is the dominant controlling agent of succession. Controlled burns have been successfully conducted in upland forests to prevent the buildup of ground fuel, which reduces the chance of catastrophic

- fuel moisture
- temperature
- relative humidity
- wind speed
- rainfall three days prior to burn
- stagnation index

Firebreaks along the perimeter of the park will be double plowed where cleared breaks do not already exist to insure fire containment. Existing fire barriers and watering will be utilized where possible. Fire breaks will be established only if the park will be burned that year. The prescribed burn contractor will oversee the placement and construction of any fire breaks.

4.4.1.2 Mechanical Treatment with Burn

Mechanical treatment may include mowing, roller chopping and web plowing. All three mechanical treatment practices will be used to suppress the encroachment of woody perennials and will be conducted only during periods of reduced gopher tortoise mobility, i.e., when daytime temperatures are below 70°F (12°C) and between October and February to minimize disruption of courtship and reproductive activities of Gopher Tortoises.

Since the park site/habitat preserve appears to have been without fire for an extended period of time, mechanical treatment of the habitats will precede the initial burning of the park. Roller chopping of the saw palmetto areas will be conducted in an effort to open the shrub layer and create more sandy or grassy areas. This effort is expected to improve the quality of presently unoccupied areas as tortoise habitat.

4.4.1.3 Management Schedule

Initiation of active management of the park will precede or be concurrent with commencement of the development. The park will be burned (or mechanically

Services guidelines². Any recreational uses not consistent with the referenced guidelines would occur outside of the Gopher tortoise habitat protection area.

5.0 MONITORING

The evaluation of the success of management efforts and the need for management treatment and/or schedule modification will be based upon the results of the following monitoring programs.

5.1 Vegetative Monitoring

Monitoring of the park/habitat preserve parcel will assess the vegetative features characteristic of suitable Gopher Tortoise habitat. Specifically, Gopher tortoises attain their greatest densities where habitats are characterized by an abundance of herbaceous ground cover for food and an open canopy and sparse shrub cover which allows sunlight to reach the surface of the ground (Cox, *et al.*, 1987).

Vegetative monitoring of the park/habitat preserve habitats will include visual estimates of:

- 1) The average height of saw palmettos;
- 2) The cover of canopy (*i.e.*, with a dbh greater than 4") trees;
- 3) The cover of herbaceous vegetation less than six inches tall and bare ground. The cover of wire grass, a preferred species of the gopher tortoise, will be specifically recorded.

²Cox, J., D. Inkley, R. Kaurz, 1987. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Sited for Large-scale Development in Florida. Nongame Wildlife Program Technical Report No. 4.

7.0 PROVISION AND ACCEPTANCE

7.1 Manatee County/Environmental Action Commission

With issuance of a letter of acceptance, a letter of no objection, or other written instrument, Manatee County and the Environmental Action Commission grant approval of Wildlife Management Plan and acknowledges compliance with Condition C.(1) of the Development Order.

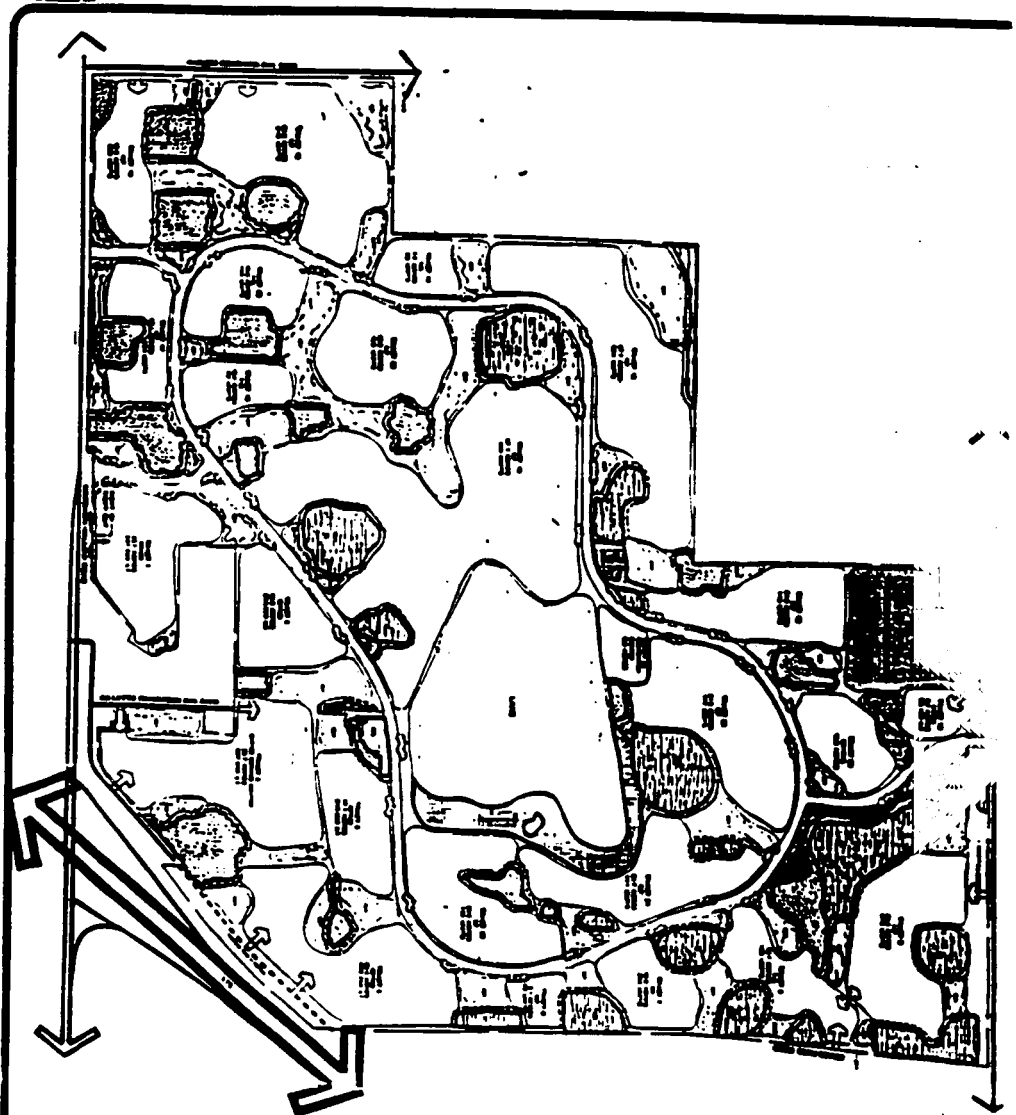
7.2 Florida Game and Fresh Water Fish Commission

With issuance of a letter of acceptance, a letter of no objection, or other written instrument indicating approval of the Gateway North Wildlife Management Plan, the Florida Game and Fresh Water Fish Commission certifies that the park/habitat preserve site identified in this plan provides adequate habitat protection for protected species addressed herein, as required by Ch. 39-27.002(4) F.A.C. and that such approval constitutes "administrative approval by the FGFWFC" pursuant to Development Order Condition C.(1) of the Gateway North Development of Regional Impact Development Approval.

GATEWAY NORTH MAGNOLIA MANAGEMENT CORPORATION WILDLIFE MANAGEMENT PLAN

FIGURE 5

LEGEND



Symbol	Description
[Hatched Box]	Wildlife Management Area
[Dotted Box]	Open Space
[Solid Box]	Developed Area
[Cross-hatched Box]	Water Feature
[Diagonal Hatched Box]	Other

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 27th day of
August 1997
R. B. SAOJE
Clerk of Circuit Court
By: Angela Green D.C.

Florida Planning Solutions

JoAnne (PPI)

Copy to: Audit
Municipal Code
Barbara T. (BCC)

9/8/97 Ag