

**MANATEE COUNTY ORDINANCE
PDMU-06-30(G)(R)
LAKEWOOD CENTRE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT AMENDING ORDINANCE PDMU-06-30(Z)(G) TO APPROVE CHANGES TO THE GENERAL DEVELOPMENT PLAN AND ORDINANCE AS FOLLOWS: (1) UPDATE THE PHASING AND BUILDOUT DATES TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS, (2) UPDATE CONDITIONS TO REFLECT COMPLIANCE WITH REQUIREMENTS CONTAINED THEREIN, (3) MODIFY AFFORDABLE HOUSING CONDITIONS CONSISTENT WITH CURRENT PRACTICES, (4) MODIFY DESIGN CONDITIONS; (5) CLARIFICATION OF ALLOWABLE USES; (6) ALLOW FOR TRANSFER OF RESIDENTIAL UNITS TO PARCEL K; (7) OTHER AMENDMENTS FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. THE LAKEWOOD CENTRE DRI IS GENERALLY LOCATED EAST OF LAKEWOOD RANCH BLVD, SOUTH OF MALACHITE DRIVE, WEST OF POPE ROAD, AND NORTH OF S.R. 70 (697.4+/- ACRES).

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2012 DEC 17 PM 3:03

FILED

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

SECTION 1. AMENDMENT AND RESTATEMENT OF ORDINANCE PDMU-06-30(Z)(G). Ordinance PDMU-06-30(Z)(G) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this Ordinance.

SECTION 2. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in the Lakewood Centre DRI Ordinance 12-28, Section 380.06 F.S., the Manatee County Comprehensive Plan, or the Manatee County Land Development Code, in that order of precedence.

SECTION 3. FINDINGS OF FACT. The Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application to amend the Zoning Ordinance and General Development Plan for Lakewood Centre, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Planning Commission held a duly noticed public hearing on November 8, 2012 and found the proposed amendments to the Zoning Ordinance and General

- Development Plan consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended approval of the application and General Development Plan by the adoption of Ordinance No. PDMU-08-30(G)(R1).
- B. The BOCC held a public hearing on December 6, 2012 regarding the proposed amendments to the zoning ordinance and General Development Plan described herein in accordance with the requirements of the Manatee County Land Development Code (Ordinance No. 90-01) and further considered the information received at the public hearing.
 - C. On August 5, 2008, the BOCC found that, based upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9, residential structures on the Property in excess of 35 feet and up to 75 feet on Parcel A, C, D, H, R, S, and S-1, and up to 140 feet on Parcels G, I, and J are compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways.
 - D. Based upon a review of the surrounding uses and the criteria listed in LDC Section 603.7.4.9, the Board finds that as conditioned herein residential structures on the Property in excess of 35 feet and up to 75 feet on Parcel K are compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development, existing or proposed, waterfront vistas or entranceways.
 - E. The proposed amendment to the Lakewood Centre Zoning Ordinance and General Development Plan regarding the property described in Section 7 herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan (Ordinance No. 89-01), as amended.
 - F. On August 5, 2008, the BOCC found that Special Approval for (1) a mixed-use project in the ROR Future Land Use Category; (2) a project exceeding a net density of 9.0 gross dwelling units per acre in the ROR Future Land Use Category; (3) a project exceeding a non-residential floor area ratio of 0.25; and (4) a project in the Evers Reservoir Watershed. The Board hereby finds that the project as conditioned herein, with the above described Special Approvals, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
 - G. The Lakewood Centre Zoning Ordinance was originally approved on August 5, 2008. The approved project consists of 3,675 residences, 1,744,000 square feet of commercial space, 1,563,000 square feet of office space, and 300 hotel rooms.

On June 7, 2012, the applicant submitted amendments to the Zoning Ordinance and General Development Plan that include updating the Phasing, Buildout, Expiration and CLOS dates to reflect legislatively approved extensions, update Transportation Conditions to reflect compliance with conditions contained therein, modify Affordable Housing Conditions, modify Design Conditions, clarification of allowable uses, allow for the transfer of residential units to Parcel K, update the

Zoning Ordinance to reflect departmental references and other minor changes for internal consistency.

SECTION 4. GENERAL DEVELOPMENT PLAN

- A. The General Development Plan dated June, 2012 is hereby APPROVED to allow a maximum of 3,675 residences, 1,774,000 square feet of commercial space, 1,563,000 square feet of office space, and a 300-room hotel, with the following conditions and modifications, included herein in Section 4.
- B. The previous Zoning Ordinance for Lakewood Centre, which was adopted on August 5, 2008, is hereby replaced in its entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(5), Florida Statutes, to the extent such rights have been previously granted and not specifically herein otherwise modified or amended.

A. DEVELOPMENT APPROVAL

- A(1). This Zoning Ordinance shall constitute approval of the General Development Plan subject to the conditions set forth herein and limited to the development amounts set forth in Table 1, below.

TABLE 1: DEVELOPMENT TOTALS

Land Use	Phase 1 2008 – 2020*	Phase 2 2009 – 2019*	Phase 3 2012-2024*	Total
Residential (dwelling units)				
Multi-family	900	1,800	539	3,239
Single-family	-0-	200	236	436
Total	900	2,000	775	3,675
Commercial/Office (sq. ft.)				
Retail	460,000	542,000	772,000	1,774,000
Office	458,000	458,000	647,000	1,563,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	-0-	-0-	300

Source: WilsonMiller, April 2006

* The phasing buildout dates shall be November 21st of the years indicated, which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363).

- A(2). For Phase 1, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase 1 shall be valid until November 21, 2024 or to such date as may be extended from time to time, pursuant to LDA-10-01, subject to the limitations set forth in Stipulation B(2) and B(19).
- A(3). The project site may continue to be used for agricultural activities, but at no greater intensity than at present.
- A(4). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Zoning Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Zoning Ordinance or are not inconsistent with this Zoning Ordinance.

B TRANSPORTATION

- B(1). The following intersection improvements are 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). (LDA 10-01 implements the applicant's proportionate fair share contributions for Phase 1 mitigation)

**TABLE 2
PHASE 1 INTERSECTION/ROADWAY IMPROVEMENTS**

Roadway/ Intersection	@	Improvement	External Trip Threshold	ERU Threshold
SR 64	Lena Rd	Add 1 eastbound through lane	2,312	2,335
SR 70	US 301	Add 1 through lane to each approach, add 1 eastbound left turn lane and 1 eastbound right turn lane	2,312	2,335
SR 70	Lockwood Ridge Rd (45 th St.)	Add 1 westbound left turn lane, add 1 northbound left turn lane, add 1 southbound left turn lane, add 1 southbound right turn lane, add 1 eastbound and westbound through lane	1,466	1,480
SR 70	Caruso Rd	Add 1 northbound left turn lane and add 1 northbound right turn lane	1,380	1,393
SR 70	Tara Blvd	Add 1 westbound through lane	1290	1,302
SR 70	I-75 Southbound	Add 1 westbound through lane	1,055	1,065

SR 70	33 rd St. E	Add 1 southbound left turn lane	1932	1,951
SR 70	Pope Rd	Signalize when warrants are met, Add 1 eastbound left turn lane (already constructed – needs restriping)	973	983
SR 70	Lakewood Ranch Blvd.	Add 1 northbound right turn lane	432	436
Lakewood Ranch Blvd.	Center Ice Pky to Portal Crossing Dr	Widen to 4 lanes (add 1 lane to inside of existing in both directions)	417	421

- *1 ERU (Equivalent Residential Units) = 1.01 PM peak Trips
- 1 ERU = 2.73 Single-Family Attached du's
- 1 ERU = 2.15 Multi-Family du's
- 1 ERU = 2.66 Hotel Rooms
- 1 ERU = 0.30 ksf Commercial
- 1 ERU = 0.77 ksf Office

The Developer and the County have entered into discussions to work out a broader solution to the transportation concurrency needs in the area, which may require changes to the list of improvements set forth above and agreed-upon mechanisms for the finance and construction of such improvements. No development that triggers an improvement listed in Table 2, above, shall be permitted until the County and Developer have, in the context of such discussions, determined the improvements necessary to support such development (which may require changes to the above list of required improvements), and the method of financing and constructing such improvements unless any such improvement is subject to a Funding Commitment. Such required improvements, and the mechanisms for financing and constructing them, may be established pursuant to a Local Development Agreement or other appropriate mechanism (either severally or jointly with an agreement that addresses the transportation impacts of Northwest Sector DRI), an amendment to this Ordinance, or through the scheduling and funding of such improvements by the County in accordance with applicable law.

- B(2). The improvements listed above are triggered by stated 'External Trip Thresholds' based upon the traffic study submitted in the record in support of this ordinance. At present, the County has funded and scheduled construction for the improvements to SR 64 from Lena Road to Lakewood Ranch Boulevard and including the intersection referenced above, which will provide sufficient transportation infrastructure to support the development up to the threshold triggering additional improvements ("post-SR 64 threshold"). Accordingly, development that does not trigger a post-SR 64 threshold may be permitted at the time of adoption of this development order subject to the requirements of stipulation B(19) and the

conditions set forth in the CLOS to be issued pursuant to the County's Comprehensive Plan and LDC.

- B(3). In the event that Funding Commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities in the Transportation Impact Area, shall be limiting factors in any subsequent approvals (a subphase analysis has been performed and cumulative subphases have been identified in Transportation Conditions Tables 2 and 3). An initial subphase of 417 external p.m. peak hour trips has been identified as requiring no transportation improvements.

The Developer shall be bound by the external trip thresholds set forth in Table 2, unless the Developer files a Notice of Proposed Change and provides the County an updated traffic analysis for the Transportation Impact Area taking into account previously permitted development in the project plus that to be generated by the next subphase. Copies of this transportation analysis shall be submitted to Manatee County and TBRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the initial DRI traffic analysis or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the intersections referenced in Table 2 at the appropriate Level of Service. In the event that a new analysis demonstrates the need for alternate improvements or different trip trigger thresholds, the Zoning Ordinance shall be amended to reflect the revised thresholds or improvements.

- B(4). With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which addresses the following:
- a. External P.M. peak hour trips predicted to be generated by the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 2 are reached; and
 - b. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways serving the project covered by the Final Site Plan application.

In the event that the total external p.m. peak hour trips projected to be generated exceeds the threshold levels described in Table 2, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless the Developer prepares an analysis which identifies the revised total external p.m. peak hour trips after which the road improvement would be required under the new subphase analysis. The Zoning Ordinance shall be amended to reflect these revised trip levels.

- B(5). All improvements to state roadways will require FDOT approval and all improvements to County roads will require Manatee County Transportation Department approval.

- B(6). Access to and from the site shall be in accordance with state and local access regulations and as generally shown on the General Development Plan (GDP).
- B(7). Prior to or concurrent with each Final Plat approval, right-of-way for the adjacent roadways, as shown on the General Development Plan, shall be dedicated. This dedication shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law.
- B(8). Thoroughfare roads that abut this site shall be constructed and bonded at the cost of the Developer or other appropriate entity, prior to Final Plat (or Certificate of Occupancy if platting is not required) approval of development that has access on that roadway and such development is generally shown on the GDP subject to timing changes that may be revised as a result of the broader solution set forth in Stipulation B1. The County and Applicant shall enter into an Improvement Agreement providing for a performance bond, followed by a defect bond at the cost of the Developer or other appropriate entity, prior to or in conjunction with Final Plat (or Certificate of Occupancy if platting is not required) approval. At a minimum, deadlines for completion (or the posting of a bond) of Pope Road and Malachite Drive shall be as follows:

a. Pope Road

From its northern terminus to Malachite Drive, prior to the first Final Plat (or Certificate of Occupancy if platting is not required) approval in Parcel R.

b. Malachite Drive

From Lakewood Ranch Boulevard to Pope Road, prior to the first Final Plat (or Certificate of Occupancy if platting is not required) approval in Parcel R.

All roads shall be constructed with the outside 2 lanes of a 4 lane divided design, including sidewalks, bike lanes, appropriate intersection improvements, and associated stormwater facilities, unless otherwise approved by Manatee County

This construction shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law. [Phase I impact fee credits shall be granted pursuant to LDA-10-01]

- B(9). Beginning one year after the first Final Plat or Certificate of Occupancy has been issued, a biennial monitoring program to provide peak hour counts at the Project entrances shall be instituted to verify that external trip improvement thresholds specified in Table 2 for Phase 1 of the Project are not exceeded. Counts shall continue on a biennial basis through buildout of Phase 1. The methodology for the biennial monitoring program shall be approved by staff.

- B(10). Prior to development of Phase 2 and Phase 3, a revised transportation analysis shall be submitted, pursuant to Section 380.06(6), Florida Statutes and the Land Development Code. This analysis shall address potential transportation impacts which might result from the development of these phases.
- B(11). Bicycle and pedestrian facilities shall be constructed on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike lanes shall be constructed in accordance with Manatee County standards.
- B(12). The Developer shall provide sidewalks along both sides of all streets throughout the Project.
- B(13). The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and parks, as determined at time of Preliminary Site Plan approval.
- B(14). The Developer shall work with Manatee County Area Transit (MCAT) to identify a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the project, the applicant shall coordinate to provide the needed location(s) for a transit stops within the Project.
- B(15). The Developer shall grant to appropriate agency or agencies, a non-ingress/egress easement prohibiting vehicular access to and from the development via SR 70, Lakewood Ranch Boulevard, Center Ice Parkway, Malachite Drive and Pope Road, except as generally depicted on the General Development Plan for permitted road and driveway crossings.
- B(16). The Developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate the future buildout design for each intersection. This shall be determined and shown on all Preliminary and Final Site Plans.
- B(17). Manatee County is in the process of developing performance standards to mitigate noise generated along multi-lane thoroughfares. If such standards are adopted by the Board of County Commissioners prior to the submission of the first Preliminary Site Plan or Final Site Plan with residences nearby a planned multi-lane thoroughfare, that and all other subsequent Preliminary Site Plans and Final Site Plan shall comply with those adopted standards.

If Manatee County has not adopted performance standards to mitigate the noise generated along multi-lane thoroughfare prior to the submission of the first Preliminary Site plan or Final Site Plan with residences nearby a planned multi-lane thoroughfare, the Developer shall prepare a noise mitigation plan for mitigation of noise from thoroughfare roads. The analysis contained in the noise mitigation plan shall be based on projected 2025 traffic volumes. Thoroughfare noise mitigation measures in each Preliminary Site Plan and Final Site Plan shall be consistent with the approved noise mitigation plan.

- B(18). At the time of Preliminary Site Plan, Final Site Plan, and Construction Plan approval for each phase of the Project the Developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this Project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
- B(19) Notwithstanding the foregoing, the bowling center and 45,000 square feet of commercial approved pursuant to Ordinance PDMU-06-23(Z)(P) have a Certificate of Level of Service (CLOS) approval and the provisions herein are not intended to supersede such CLOS which remains in effect.

C. WETLANDS

- C(1). All Wetlands defined as "Preservation or Conservation Areas" by TBRPC (as shown on the General Development Plan (Exhibit 1) shall be preserved or conserved, respectively, except as shown on the GDP or as approved for roadway crossings and as approved in conformance with Condition C(3). The Developer shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas, except as shown on the GDP and as indicated in Condition C(3).
- C(2). Except for Wetland restoration and enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved.
- C(3). Any allowable Wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719), as specified in permits issued under 40D-4 FAC, or under 62-340, FAC, as appropriate. Mitigation for Wetland losses shall be implemented prior to, or concurrent with, the Wetlands being disturbed. Mitigation may be provided by withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan, if approved by appropriate agencies. Any on-site Wetland compensation areas shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the on-site created Wetlands and enhanced Wetlands shall meet or exceed 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 Zoning Ordinance.
- C(4). 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, buffer restoration, and setbacks shall be in compliance with the Manatee County Land Development Code.

- C(5). A Conservation Easement for the areas defined as post-development jurisdictional Wetlands and Wetland buffers shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval (or 1st C.O. if platting is not required), for those areas within or directly adjacent to the proposed phase of development.
- C(6). The Developer shall provide signs adjacent to Wetland buffers and conservation easements indicating that the area is a “Conservation Area”, as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Building and Development Services Department with the Final Site Plan.
- C(7). No lot shall be platted through a Wetland, stormwater pond, or Wetland buffer.
- C(8). The Developer shall provide a copy of the Environmental Resource Permit approved by SWFWMD to the Building and Development Services Department prior to Final Site Plan approval.

D. VEGETATION AND WILDLIFE

- D(1). An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval for each development pod. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the Project. Removal of all exotic nuisance plant species from upland portions of each development pod shall be completed prior to the first Final Plat approval (for development in that pod), in accordance with Section 715.4 of the LDC. (completed for Parcels C and E)
- D(2). The following Pine Mesic Oak (414), Pine Flatwood (411), and Live Oak (427) Communities shall be preserved:

FLUCFCS Code	Pre-Construction Total			Post-Construction Total		Post- Construction Habitat (w/in Wetland Buffers)		Post- Construction Habitat (w/in Upland Conservation)	
	Total Acreage	Habitat w/in Wetland Buffer	Habitat w/in Upland Conservation	Acreage	Percentage (of habitat remaining)	Acreage	Percentage (of existing habitat w/in buffers)	Acreage	Percentage (of existing habitat w/in conservation)
411	31.7	4.9	26.8	11.8	37.9	4.9	100	6.9	25.7
414	47.0	10.5	36.5	25.2	53.6	10.5	100	14.7	40.2
427	4.2	1.0	3.2	3.4	80.9	1.0	100	2.2	75
Total	82.9	16.4	66.5	40.4	48.7	16.4	100	23.8	36.1

Area	FLUCCS 411	FLUCCS 414	FLUCCS 427	Total
Wetland Buffers	4.9	10.5	1.0	16.4
Upland Preservation Areas	6.9	14.7	2.2	23.8
Total	11.8	25.2	3.2	40.2

The preservation areas shall be clearly delineated, labeled, and quantified on the Preliminary Site Plan. Upland Preservation areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. The Building and Development Services Department may allow limited impacts for suitable recreational areas (passive parks, pocket parks, etc.). Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters, or significant vegetation.

- D(3). Unless otherwise approved by the Building and Development Services Department, native or drought tolerant landscape materials shall be utilized. The Developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.
- D(4). The Developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to the first Final Site Plan approval for each development pod. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval for each development pod. (completed for Parcels C and E)
- D(5). Final Site Plans within management guideline distances (as prescribed by US Fish and Wildlife Service) from the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagle or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval.
- D(6). In the event that any state- or federally-listed species are discovered breeding on-site during Project development, the Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- D(7). Wildlife passageways shall be incorporated into the roadways designed to cross the north-south Wetland corridor located north of Center Ice Parkway and east of Lakewood Ranch Boulevard and the upland corridor located south of Malachite Drive and east of Road GG, if approved by appropriate state, regional, and local agencies.
- D(8). Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH

(trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated. Specific tree protective measures shall be approved by the Planning Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed unless specifically approved and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees unless otherwise approved by the Planning Department: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials.

The Final Site Plan shall include details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

E. LAND

- E(1). The Developer shall limit site work and construction to areas needed for immediate development or stockpiling, if shown on the Final Site Plan.
- E(2). An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Building and Development Services Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas. (completed)
- E(3). A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the county for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first. (completed)
- E(4). The entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
- E(5). A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the county for review and approval prior to Final Site Plan approval. (completed)

F. AIR QUALITY

- F(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; and
 - g. Clean (sweep) paved roads adjacent to site as necessary;
- F(2). Prior to development of Phase 2 and Phase 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.
- F(3). The open burning of trees or branches for land clearing shall be done in compliance with applicable regulations.

G. WATER QUALITY AND DRAINAGE

- G(1). The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County and Building and Development Services Department, whichever is more stringent; to provide retention, or detention with filtration /assimilation treatment per SWFWMD and County approved methods 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.

- G(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. Low impact development techniques shall be used, where feasible.
- G(3). The Developer shall be the entity responsible for maintaining the stormwater management system. The Developer's obligations may be assumed by an appropriate agency or association.
- G(4). Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated Wetlands.
- G(5). The applicant submitted an Ambient Surface Water Quality Monitoring Report to Manatee County in April, 2006. The report contained the surface water quality data representing the site specific ambient conditions to meet the one year pre-construction monitoring requirement, as specified in the "Ambient Surface Water Monitoring for Developments" Guidance document. On March 20, 2007, the Ambient Surface Water Quality Monitoring Plan was approved by the Manatee County.
- G(6). Within one year of initiating vertical construction, the Developer shall submit the results of surface water quality monitoring to Manatee County for review. The results shall be reviewed by Manatee County for consistency with the County's "Ambient Surface Water Monitoring for Developments" (Guidance) document.
 - a. The results of the monitoring shall be submitted to the County with each DRI Biennial Report and shall include an official laboratory report.
 - b. 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.
 - c. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP and shall be reported to the County and all work which is determined by the County to be contributing to the problem will be halted until the problem is resolved.
- G(7). The applicant submitted a Groundwater Quality Monitoring Plan on February 15, 2006, to monitor for ambient (pre-development) and construction water quality conditions, as specified above. That plan included both the Northwest Sector

Project as well as the Lakewood Centre Project. On February 21, 2006 the Groundwater Quality Monitoring Plan was approved by the County.

- G(8). Water quality samples shall be collected and analyzed in accordance with Manatee County's Guidance document, referenced above and the Lakewood Centre DRI Site's Groundwater Quality Monitoring Plan, dated February 15, 2006. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, the County and DEP will be properly notified for further action. The results of the groundwater quality monitoring shall be submitted to the County for review with the DRI biennial report and shall include an official laboratory report.
- G(9). 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.
- G(10). To the extent required by applicable law and standard design guidelines, 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 within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for five years.
- G(11). To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- G(12). Stormwater management ponds shall not be constructed within Wetland buffers or other natural resources of regional significance.
- G(13). All fill within the 25-year and 100-year floodplains shall be compensated by the creation of an equal or greater storage volume above the seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). The available storage volume above the 25-year Design High Water Level of any proposed stormwater attenuation ponds can be calculated toward compliance with the flood plain compensation requirement. In lieu of the above cup-for-cup compensation, the applicant may perform hydraulic analysis that reflect a No-Rise to the FEMA base flood elevation and receive a CLOMR from FEMA for the effected area. The hydraulic model is subject to approval by Manatee County.
- G(14). Education advocating surface water protection shall be provided to all residents and tenants in the Project.

- G(15). This Project shall be required to reduce the calculated pre-development flow rate by up to twenty five percent (25%) for all stormwater outfall flow directly or indirectly into the Braden River basin. Modeling shall be used to determine pre- and post-development flows.
- G(16). The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
- G(17). Drainage Easements shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along any drainage systems conveying public drainage. In addition, Drainage Maintenance/Access Easements shall be dedicated along the banks of these systems in accordance with Manatee County Public Work standards. Manatee County is only responsible for maintaining the free flow of drainage through these systems. Manatee County has no obligation relative to these systems to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of stream beds.
- G(18). The Developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the following planned thoroughfare roadways that are located immediately adjacent to the Project to accommodate the following planned build-out conditions. The Developer shall design and construct the stormwater capacity for that portion of the following planned thoroughfare roadways within the Project area and such design and construction shall be included in the SWFWMD permit documentation.

Lakewood Ranch Boulevard	6 lanes
Center Ice Parkway	4 lanes
Pope Road	4 lanes
S.R. 70	6 lanes

H. HISTORICAL AND ARCHAEOLOGICAL SITES

- H(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. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County. 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.

I. WATER

- I(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.
- I(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-3.531, Florida Administrative Code.
- I(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.
- I(4). The Developer shall maintain all water lines and fire hydrants not dedicated to the County. The Developer's obligations may be assumed by an appropriate agency or association.
- I(5). The Developer shall use only nonpotable water to meet nonpotable (irrigation) water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility.
- I(6). Adequate fire flow and water pressure shall be maintained within the Project's water supply system.
- I(7). The Developer shall conform to and further the applicable rules and adopted guidelines of SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- I(8). The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: stormwater and (s) non-potable quality groundwater. Prior to Final Site Plan approval(s), the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including on individual lots.
- I(9). For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas, in accordance with Policy 3.2.3.3. 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. Native vegetation or drought-resistant vegetation shall be used in common and non-residential landscaped areas. Non-native vegetation may be used, consistent with xeriscape principles.

- I(10). The average total potable water use for the development shall not exceed 110 gallons per capita per day.
- I(11). A pre-design conference between the Developer and County staff shall be held prior to submittal of Construction Drawings for the Project to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- I(12) The Developer shall submit a Master Plan for potable water, wastewater, and fire protection simultaneously with construction plan submittal for each area covered by the construction plan. The Developer shall also be responsible for determining if upgrading of offsite potable water and wastewater facilities is necessary to provide adequate potable water, sanitary sewer, or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project and the Developer shall participate in such oversizing in accordance with applicable County ordinances or policies.

J. WASTEWATER

- J(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.
- J(2). No septic system shall be permitted within the Project.
- J(3). Sewer lift stations shall be designed and equipped in accordance with County regulations.
- J(4). The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).

K. SOLID WASTE

- K(1) As stated in the ADA, it is not anticipated that hazardous or toxic waste will be generated by the Project's office or commercial tenants. Prior to the first Final Site Plan approval after August 5, 2008 for any non-residential land use within the Project, 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 and TBRPC, and then distributed by the Developer to non-residential land users within the Project.

At a minimum, the plan shall:

- a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - b. 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; and
 - h. Describe typical spill clean up methods.
- K(2). All Project tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use, if any, shall be included in each Biennial Report.
- K(3). 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.

L. RECREATION AND OPEN SPACE

- L(1). The Project shall contain a minimum of 36.8 acres of usable uplands for recreation open space/parks which is a minimum of 1 acre of recreation open space per 100 dwelling units and a minimum of one Neighborhood Park per 500 units. Parks shall be distributed throughout the Project to serve all residents and shall be reviewed for distribution based on locations defined by major roadways (Center Ice Parkway and Road GG) and Wetland/upland habitat systems.

A maximum of 4 acres of the required upland recreation open space/parks acreage may include trails and greenways.

The minimum required park area for the Project may be reduced, at a ratio of 1 acre/100 units, if the Project is not built out to the number of units identified on the General Development Plan.

- L(2). A Community Park may be built in lieu of Neighborhood Parks within a given Parcel or group of Parcels, provided the total acreage and the sufficient distribution of recreation area/park land is met.
- L(3). Parks shall provide facilities appropriate for all ages, including a playground with outdoor play equipment, where appropriate.
- L(4). Parcels with multi-family units shall include active and passive recreation facilities that meet the needs of future residents based on Projected demographics.
- L(5). For the purpose of this section, parks shall be characterized as:
 - (a). Pocket Parks shall be a minimum of 1 – 4 acres containing uses that may include playground with seating, water fountain and shade structure, an open play field and shade trees. Other amenities may include picnic pavilions, tables, benches and grills, depending on neighborhood demographics. Pocket Parks may be connected to the overall recreation area/park system via trails/greenways and sidewalks
 - (b). Neighborhood Parks shall be a minimum of 5 -10 acres containing uses that may include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); multi-use trail with benches and/or exercise stations; and picnic pavilions, tables, benches and grills. Optional facilities include hard court facilities (tennis, racquetball, shuffleboard, etc) and a “club house” with swimming pool, depending on demographics of future residents. Neighborhood Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
 - (c). Community Parks shall be a minimum of 20 – 25 acres containing uses that may include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); hard court facilities (tennis, racquetball, shuffleboard, etc.); a “club house” with swimming pool; multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Actual recreation facilities built are dependent on demographics of future residents. The specific size of each recreation area/park shall be determined by the Developer (as approved by the Planning Department in consultation with the Parks and Recreation

Department) at time of Preliminary Site Plan approval based on the lot size(s) or unit types in the area being served. All parks shall be distributed accordingly so residents can safely walk/bike from their home to the park (generally not more than ½ mile). Community Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.

L(6). Trails/Greenways

- (a) A conceptual plan for trails/greenways shall be approved by the Manatee County Building and Development Services Department (in consultation with the Parks and Recreation Department) prior to the first residential Preliminary Site Plans north and south of Center Ice Parkway. (completed)
- (b) At a minimum, the trail/greenway system shall include a trail/greenway adjacent or proximate to the Wetlands and preserved uplands with “collector” trails from residential neighborhoods connecting with the “Wetland/preserve” trail. Trails/greenways shall contain benches with shade (architectural or vegetation) along the trail system in appropriate locations (i.e., rest stops for nature observation, etc.). Other recreation facilities such as gazebos may also be located in appropriate locations along the trail system. Trails/greenways shall, as much as practical, be ADA compliant with an emphasis on accessing the most significant natural and built landscape components (i.e., beautiful vistas and fishing/observation piers, among others). Improvements shall be completed concurrent with adjacent plat approvals.
- (c) All nature trails, board walks, and other recreation amenities that may be permitted by the Building and Development Services Department in Wetlands, Wetland buffers, or upland preservation areas shall be designed to minimize impacts to trees, other significant vegetation and natural habitats in accordance with Section 719 of the Manatee County Land Development Code. Management plans shall be written and implemented to ensure the long term maintenance and ecological viability of these areas.
- (d) The “green infrastructure” shall serve as a connection of recreation areas/parks with trails/greenways; some of which may be 8-10 foot wide meandering landscaped sidewalks/multi-use trails.

L(7). 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, or other similar entity for the Project.

L(8). Prior to the first Preliminary/Final Site Plan for Parcels A, C, S or R, the Developer shall provide an exhibit to the Building and Development Services Department to illustrate the location and size of parks identified as parcels B, E and T on the General Development Plan. Staff may administratively approve minor relocations of

such parks if such relocations are deemed appropriate during design of the residential parcels. The minimum acreage identified on the plan shall be maintained.

M. EDUCATION

- M(1). To mitigate the Project's impacts, the Developer provided the Manatee County School Board sufficient land, off-site, for elementary and middle school sites.

N. HEALTH CARE, POLICE, AND FIRE

- N(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 the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County and the Developer, shall be submitted prior to the approval of the first Final Site Plan 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 at the rate in effect at the time payment was made. (completed for Phase I only)
- N(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. 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. (completed for Phase I only)
- N(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. The Project shall use, as applicable, Fire Wise principles, such as clearing around houses, carefully spacing trees, and maintaining irrigation systems.
- N(4). The maximum height of buildings 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.
- N(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 Braden River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Final Plat or Certificate of Occupancy in the Project.

O. ECONOMICS

- O(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.
- O(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.
- O(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.

P. ENERGY

- P(1). Issuance of development approvals for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- P(2). All Project tenants, businesses, residents, etc. shall be notified in writing by the Developer prior to occupancy that the following energy related practices are encouraged:
 - a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and 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.

Q. AFFORDABLE HOUSING

- Q(1). The Developer shall provide workforce housing at a price as determined pursuant to the parameters as set forth in the definition contained within the Manatee County Land Development Code or at a rental rate as set forth in Stipulation Q(3) below, within the Project, or within an adjacent Project in an amount equal to 10% of the total number of residential units constructed in Lakewood Centre, Phases 1, 2, and 3. The workforce housing required herein is generally designed to provide housing for essential workers such as local government employees, quasi-governmental employees, and private sector employees.
- Q(2). Maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The maximum sales price in effect at the time a contract for purchase of a workforce housing unit is executed shall apply.
- Q(3). Maximum rental rates shall correspond to values as provided for in the Fair Market Rent Documentation System. These rates are updated periodically by Manatee County and shall be utilized accordingly. The rental rate in effect at the time a lease is executed shall apply.
- Q(4). The Developer shall include in its Biennial Report data showing the number and sale prices of workforce housing units sold and the number and rental rate of units leased during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table and the Fair Market Rent Documentation System. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in Q.(2) or a rental rate equal to or less than the maximum rental rate as provided in Q.(3), shall be counted toward the required mitigation.

R. HURRICANE PREPAREDNESS

R(1). The Developer shall coordinate with the Institute for Business and Home Safety (IBHS) and the Manatee County Emergency Management Department to determine the feasibility of incorporating wind resistant “fortified” design criteria into the commercial and office facilities.

S. DESIGN STANDARDS

S(1). On-street parking may be allowed on all local streets. At time of Preliminary Site Plan approval, issues pertaining to traffic safety shall be reviewed by the County staff to determine the appropriateness of the specific location.

S(2). Street trees may also be allowed within rights-of-way and easements of all local streets, provided the trees are a minimum of 4' from the back of curb and that a maintenance agreement, acceptable to the County, with the HOA is provided.

S(3). Roadway buffers for Traditional Neighborhood Development residential parcels shall not apply with the exception of on SR 70, Lakewood Ranch Boulevard, Pope Road, and Malachite Drive. All buffers shall apply for Conventional Development parcels.

S(4). At time of each Preliminary Site Plan application, the Developer, with concurrence with the Building and Development Services Department, shall select from the “Conventional” or “Traditional Neighborhood Design” (TND) standards as indicated in the tables below:

a. Traditional Neighborhood Design Standards:

<u>Type</u>	<u>Min. Lot Size (Sq. Ft.)</u>	<u>Min. Lot Width (Ft.)</u>	<u>Front Setback (Ft.)</u>		<u>Side Setback (Ft.)</u>	<u>Rear Setback (Ft.)</u>	<u>Maximum Height (Ft.)</u>
			<u>Front Loaded</u>	<u>Alley Loaded</u>			
<u>SF Detached</u>	3,200	27	10/25 ¹ /15 ²	10	6/1 ⁸	15/5 ³	35
<u>SF Semi Detached</u>	2,300	23	10/25 ¹ /15 ²	10	0/6	15/5 ³	35
<u>Single-Family Attached</u>	2,000	20	5/25 ¹ /15 ²	5	0/6	5	4 stories/ 50'
<u>Multi-Family</u>	-	-	10	10	15/25 ⁷	10	5 stories/ 75' ⁴
<u>Commercial</u>	-	-	40/25 ⁶		0/5 ⁵	0/5 ⁵	5 stories/ 75' ⁴
<u>Office</u>	-	-	40/25 ⁶		0/5 ⁵	0/5 ⁵	12 stories (including parking structure) 140'
<u>Park</u>	-	-	10		10	10	35

1. Setback to front loaded garage door.
2. Setback to the side loaded garage.
3. Rear setback for units with alley entry garages.
4. Height of single-use buildings. A building with a vertical mix of land uses may be up to 12 stories (140' in height). Residential buildings that exceed 35 feet are subject to Stipulations S(6) d & e.
5. The smaller setback only applies to internal roadways. The larger setback applies to external roadways and adjacent residential uses.
6. The larger setback only applies to SR 70. The smaller setback applies to Center Ice Pky, Road GG, and Pope Road. All other Commercial, Office building setbacks shall maintain a minimum setback of 15 feet from the face of the first floor to the back of curb of the internal drive aisle or 10 feet to the edge of parking. The minimum setback from the second story of commercial office buildings shall be 5' from the internal drive aisle or 0 feet from the edge of parking. This shall not apply to residential structures unless otherwise approved through the Lakewood Centre DRI. The commercial or office setback applies to buildings containing residential over first or second floor non-residential uses.
7. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story and two-story buildings. A 25' separation is required between three, four, and five story buildings.
8. Minimum of 7 feet between units

b. Conventional Design Standards:

Type	Min. Lot Size (Sq. Ft.)	Min. Lot Width (Ft.)³	Front Setback (Ft.)¹	Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)
SF Detached	4,950	42	25/20	6	15	35
SF Semi-Detached	3,700	37	25/20	0/ 6	15	35
SF- Attached	2,500	25	25/20	0/ 6	15	35
Multi-Family	NA	NA	25	15/25 ²	15	3 stories/ 40
Commercial	5,000	N/A	40	15/20 ⁵	20 ⁵	5 stories/75 ⁴
Office	5,000	N/A	40	15/20 ⁵	20 ⁵	12 stories (including parking structures)/1 40'
Park	NA	NA	25	15	15	35

1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
3. Required setbacks are based on the dominant lot width for each subphase of development.
4. Height of single-use buildings. A building with a vertical mix of land uses may be up to 12 stories or 140' in height. Residential buildings that exceed 35 feet are subject to Stipulations S(6) d & e.
5. When adjacent to residential 10' of additional building separation is required for each story over one i.e. a 3-story building will require a 40' building separation.

S(5). Non Residential

- a. The maximum square footage for each commercial and office parcel, as identified on the General Development Plan, may be increased provided that all dimensional criteria as outlined in S(4), consistent with the LDC and Comprehensive Plan provisions, as applicable, are met and there is a simultaneous increase and decrease of square footage on the parcels. This shall not authorize an overall increase of square footage for the Project. Such modification does not require the submittal or review of an amended General Development Plan, but may be approved with a Preliminary Site Plan or Final Site Plan. Such Preliminary or Final Site Plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in square footage. Development totals shall be updated with each biennial report.

- b. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Building and Development Services Department with future Final Site Plan and Building Permit submittals.

- 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not Project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bump-outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Building and Development Services Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).
- 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.
- 3) All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be

shown prior to Final Site Plan approval.

c. Service Areas

Trash and garbage receptacles shall be screened with materials similar to the adjacent building facades.

d. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the County with each Final Site Plan containing a food service establishment or use.

e. Exterior loud speakers, bells, or similar audio-communication shall not be permitted; however, directed (non broadcast) communication devices and intercoms shall not be restricted. "Directed (non broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.

f. A vertical mix of land uses is permitted on Parcels G, I, and J. If a vertical mix is designed on these parcels, it will include office or commercial land uses on the first floor and residential or office land uses on the upper floors.

g. Signs shall meet the requirements of Section 724 of the Land Development Code.

h. Each parcel shall include a pedestrian connection, where applicable, to abutting parcels, to be determined at time of Preliminary Site Plan approval.

i. Prior to approval of any Preliminary Site Plan containing a communication antenna or tower (as listed on Table 6-1 of the LDC) an appropriate application shall be submitted, per Section 704.59.2, of the LDC. The approval of the GDP with those uses listed does not assure approval of the PSP containing such uses or approval of those uses. In addition to this criterion, all lattice towers shall maintain a minimum setback of 300% the height of the tower from any parcel (on and off site) approved for only a residential use.

j. Increased setbacks and enhanced site and building design may be required by the County when commercial or office buildings exceeding 35-feet are proposed adjacent to a parcel approved for residential development.

k. Structures in excess of 35' in height in the commercial and mixed use parcels adjacent to Pope Road shall maintain an additional foot beyond the 40' setback for each foot over 35'.

S(6). Residential

- a. The maximum number of units for each residential parcel, as identified on the General Development Plan, may be increased provided there is a simultaneous decrease on another residential parcel. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended General Development Plan, but may be approved with a Preliminary Site Plan or Final Site Plan. Such Preliminary or Final Site Plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in units. Development totals shall be updated with each biennial report.
- b. The minimum size for a dwelling unit shall be nine hundred (900) square feet or three hundred (300) square feet for multi-family units.
- c. Prior to Final Plat approval, the applicant shall post a sign at each inter-neighborhood tie to inform perspective purchasers and residents of the future inter-neighborhood tie. The size, placement, and materials for the sign shall be determined with the Final Site Plan.
- d. Residential structures on Parcel S and R which are located within 400 feet of Malachite Drive or Pope Road shall not exceed 52 feet. At the time of Preliminary/Final Site Plan approval, the applicant shall provide to the staff of the Building and Development Services Department, building design elevations that are in compliance with Section 603.7.4.9 of the LDC. Should the applicant and staff not come to an agreement, the applicant may appeal staff's decision to the Board of County Commissioners at an advertised public hearing.
- e. Residential structures in excess of 35 feet in height and up to 75 feet on Parcel A, C, D, H, K, R, S, and S-1, and up to 140 feet on Parcels G, I, and J shall be built in substantial compliance with the building design exhibits entered into the record at the August 5, 2008, public hearing (Exhibit 3). At the time of Preliminary/Final Site Plan, if the applicant proposes elevations that are not in substantial compliance with the elevations entered into the record, staff may review and administratively approve the new elevations, provided they are consistent with LDC Section 603.7.4.9, Building Height. The applicant may appeal staff's decision regarding the proposed elevations to the Board of County Commissioners at an advertised public hearing.
- f. Tree farms in the residential parcels shall cease operation prior to the first Final Plat (or FSP if platting is not required) approval in each parcel shown on the GDP.
- g. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing

prospective homeowners of the following:

- 1). The location of the inter-neighborhood ties and the potential for future traffic through the subdivision, where applicable;
 - 2). The potential uses associated with surrounding agriculture zoning which may have a negative impact on residences (e.g., noise and odor);
 - 3). Residents may experience increase noise impacts from the following roads:
 - Lakewood Ranch Blvd, a minor arterial facility planned to be 6-lanes;
 - Pope Road, a collector facility planned to be 4-lanes;
 - Center Ice Pky, a collector facility planned to be 4-lanes; and
 - Malachite Drive and Road "GG," major local streets planned to be 4 lanes.
 - 4). The location and size (including potential height) of future commercial and office developments in the Project.
- h. Residential parcels are permitted to have recreational facilities, churches or other places of worship, day care centers (large, medium, small, and accessory) and schools. Such uses may be approved pursuant to Conditional Use Criteria in the LDC, as may be amended. The floor area allocated to large, medium and small day care centers, accessory day care centers, environmental education facilities, schools of special education and schools shall be deducted from approved commercial entitlements.
- S(7). Prior to commencement of Phase 2 the developer shall donate at the County's option within the project or within 10 miles of the project boundary a 2 acre upland site or other appropriate accommodations as may be acceptable to Manatee County for public community use or public use facility.

T. DEFINITIONS

1. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, be "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County.
2. "Application for Development Approval" (or ADA) shall mean the Lakewood Centre Development of Regional Impact Application for Development Approval (Submitted on April 28, 2006); the First Sufficiency Response

submitted by the Developer on October 23, 2006; the Second Sufficiency Response submitted on April 19, 2007; the Third Sufficiency Response submitted on September 13, 2007.

3. "Conventional Development" shall mean development that is characterized by a clear separation of land uses and housing types into specified geographic areas. Typically the setbacks and residential lot sizes are larger with a focus for usable space being within the rear yard. Commercial buildings are set farther from the street and contain parking in front of the building.
4. "Developer" shall mean SMR North 70, LLC, its heirs, assigns, designees, and successors in interest as to the Project.
5. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Site Plan, Final Plat, or Construction Drawing approval where site plans or subdivision plats are not required.
6. "Fair Market Rent Documentation System" shall mean a system established by the Department of Housing and Urban Development (HUD) that provides complete documentation of the development of the Fair Market Rents (FMRs) for any area of the country. FMRs are developed and updated from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget.
7. "Funding Commitments" shall mean any combination of the following to assure the completion of any improvements required by this Development Order: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction of the improvements required as referenced in Tables 2 and 3 of this Ordinance; 2) actual construction; 3) the placement of the improvements in the current year plus one year of the Capital Improvements Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Local Development agreement entered into between the Developer and the County. This Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 2 and 3.
8. "General Development Plan" shall be defined as the site plan for PDMU-06-30(G)(R1), last revised June, 2012, and attached as Exhibit 1. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development in Table 1.

9. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development of this Project.
10. "Preliminary Site Plan" (PSP) shall mean a Master Preliminary Plan or a Preliminary Site Plan for a Phase or Subphase, as defined in The Manatee County Land Development Code.
11. "Project" shall mean the land uses, phasing, and improvements described in Table 1 which are attributable to development on that property described in Section 4 herein and set forth on the General Development Plan attached hereto as Exhibit 1.
12. "Traditional Neighborhood Development (TND)" shall mean the development of a cohesive neighborhood using traditional town planning principles. A TND includes a range of housing types, a network of well-connected streets and blocks, public spaces, and neighborhood serving non-residential uses such as retail, office, schools, and places of worship within walking distance of the residences. Residential units will have smaller setbacks and the unit will be oriented to the street with recessed garages or alley access to structures with on-street parking. Typically the residential focus will be toward the street or public spaces. Commercial buildings will be closer to each other and the streets similar to a traditional downtown with on-street parking, street trees, or a vertical and horizontal mix of land uses.
13. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the Project will be five percent (5%) (or whatever greater percentage may be employed from time to time by DEO, TBRPC, or the County, provided the more restrictive percentage of such greater percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J of the Development Order, dated April, 2006.
14. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.
15. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the

Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 5. SPECIAL APPROVAL Special approval is hereby granted for a project that: (1) is mixed-use in the ROR Future Land Use Category; (2) exceeds a net density of 9.0 gross dwelling units per acre in the ROR Future Land Use Category; (3) exceeds a non-residential floor area ratio of 0.25; and (4) is in the Evers Reservoir Watershed.


SECTION 6. ZONING The property described in Section 7 below is hereby rezoned from the A(General Agriculture) zone district to the PDMU(Planned Development Mixed Use) zone district, retaining the WP-E(Watershed Protection-Evers) and ST(Special /treatment) Overlay Districts where appropriate, and the official zoning map is hereby amended accordingly.

SECTION 7. LEGAL DESCRIPTION. Legal description and sketch of the Project is attached as Exhibit 2.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State, State of Florida and provided, however, that: (a) the filing of a Notice of Appeal pursuant to Section 380.07, F.S., shall suspend development authorization granted for this Development Order until the resolution of the appeal; and (b) Ordinance 12-28 shall become effective, in accordance with Section 5 of Ordinance 12-28.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 6th day of December, 2012.

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

BY: 
John R. Chappie, Chairman

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

BY: 
Deputy Clerk

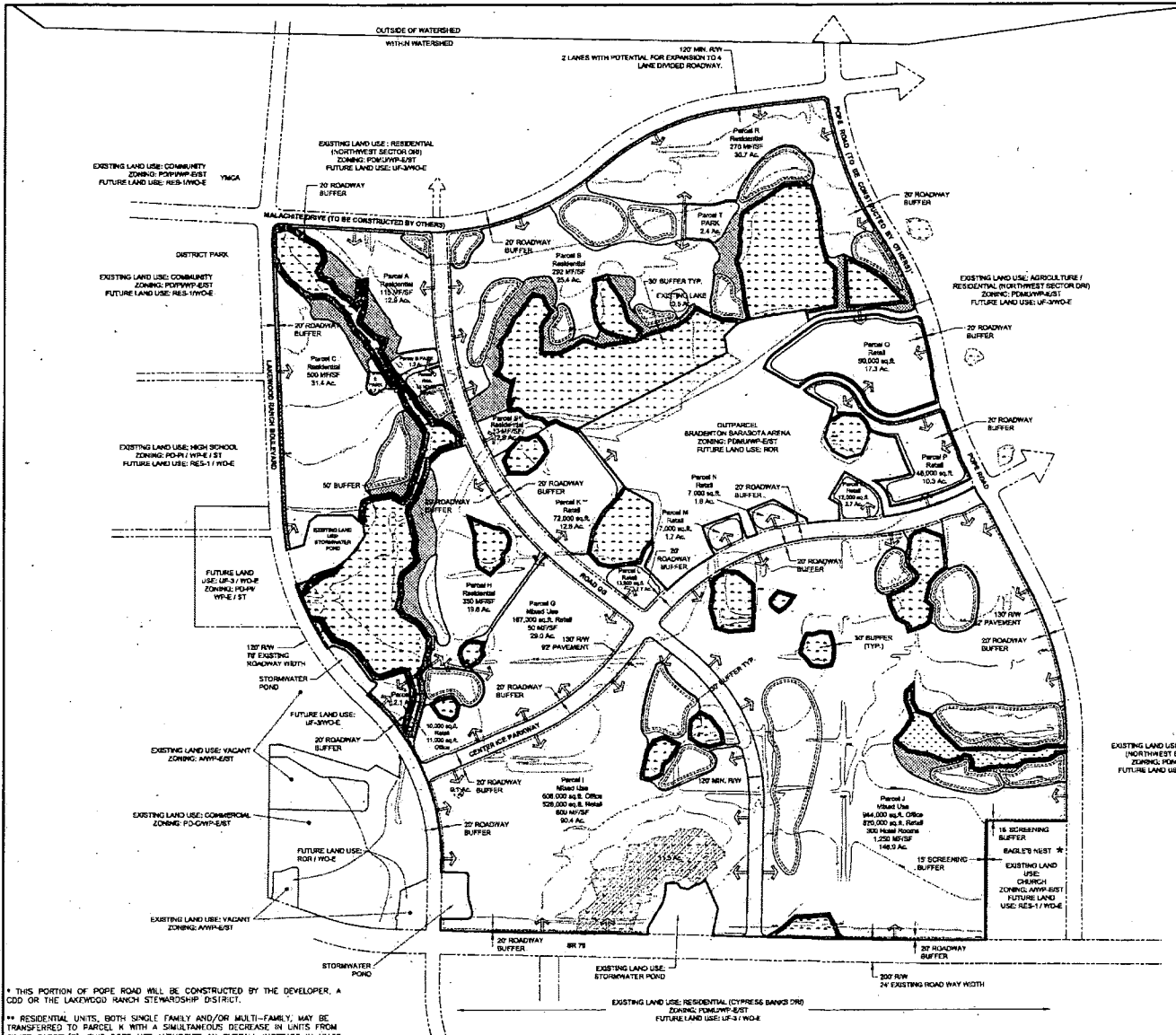


EXHIBITS

Exhibit 1 – GDP

Exhibit 2 – Legal Description and Sketch

Exhibit 3 – Building Design Exhibits for buildings that exceed 35 feet in height



LEGEND

- Project Boundary
- Herbaceous Wetlands
- Wetland Impact
- Forested Wetlands
- Wetland Buffer
- Upland Preservation
- Access Arrows
- Topographic Contours
- Lake / Stormwater Pond
- Parcel Boundary

LAND USE AND PHASING TABLE

Land Use	Phase 1 2007-2020*	Phase 2 2009-2019*	Phase 3 2012-2024*	Total
Residential (dwelling units)				
Multi-family	900	1,800	539	3,239
Single Family	0	200	236	436
Total	900	2,000	775	3,675
Retail/Office (sq.ft.)				
Retail	460,000	542,000	772,000	1,774,000
Office	458,000	458,000	647,000	1,563,000
Total	918,000	1,000,000	1,419,000	3,337,000
Hotel (rooms)	300	0	0	300

Source: WilsonMiller, September 2005
 * The phasing outlook dates shall be November 21st of the years indicated which includes legislatively approved extensions (SAB 300, SB 1752, HB 7007 and S.B. 232, 363)

ACREAGE BY LAND USE

RESIDENTIAL (ONLY)	126.9 AC.
MIXED USE, RETAIL & OFFICE	250.6 AC.
RETAIL (ONLY)	51.2 AC.
RECREATION	4.3 AC.
RIGHT-OF-WAY	34.5 AC.
WETLANDS	92.1 AC.
WETLAND BUFFERS	31.6 AC.
UPLAND PRESERVATION	23.8 AC.
EXISTING LAKE	0.5 AC.
STORMWATER PONDS	63.4 AC.
OTHER OPEN SPACE	18.5 AC.
TOTAL SITE AREA	697.4 AC.

PARCEL	ACRES	RESIDENTIAL UNITS	OFFICE	RETAIL	NON-RESIDENTIAL USE	FAR
A	12.8	115	NA	NA	NA	NA
B	1.2	NA	NA	RETAIL	NA	NA
C	31.4	500	15.9	NA	NA	NA
D	1.8	15	10.0	NA	NA	NA
E	0.7	NA	NA	RETAIL	NA	0.23
F	2.1	NA	NA	RETAIL - 10,000 s.f.	OFFICE - 11,000 s.f.	0.13
G	30	NA	NA	RETAIL	NA	0.24
H	18.8	400	20.4	NA	NA	NA
I	90.4	800	NA	RETAIL	NA	0.37
J	148.9	1,260	NA	RETAIL	NA	0.37
K	13.6	NA	NA	RETAIL	NA	0.13
L	2.7	NA	NA	RETAIL	NA	0.11
M	1.7	NA	NA	RETAIL	NA	0.09
N	1.8	NA	NA	RETAIL	NA	0.09
O	2.9	NA	NA	RETAIL	NA	0.11
P	10.3	NA	NA	RETAIL	NA	0.11
Q	17.3	NA	NA	RETAIL	NA	0.12
R	26.7	270	8.8	NA	NA	NA
S	28.4	292	11.3	NA	NA	NA
T	2.8	33	NA	NA	NA	NA
U	2.4	NA	NA	NA	NA	NA

* FAR calculation does not include square footage for residential and hotel uses in these parcels.
 A. The maximum square footage for each residential and office parcel, as identified on the General Development Plan, may be increased provided that all dimensional criteria are met. This shall not constitute an overall increase of square footage for the Project. Such modification does not require the substantial or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan.
 B. The maximum number of units for each residential parcel, as identified on the General Development Plan, may be increased provided there is a proportional decrease in another residential parcel. This shall not constitute an overall increase in residential units for the Project. Such modification does not require the substantial or review of an amended general development plan, but may be approved with a preliminary site plan or final site plan.

* THIS PORTION OF POPE ROAD WILL BE CONSTRUCTED BY THE DEVELOPER, A CDD OR THE LAKEWOOD RANCH STEWARDSHIP DISTRICT.
 ** RESIDENTIAL UNITS, BOTH SINGLE FAMILY AND/OR MULTI-FAMILY, MAY BE TRANSFERRED TO PARCEL N WITH A SIMULTANEOUS DECREASE IN UNITS FROM OTHER PARCELS. THIS DOES NOT AUTHORIZE AN OVERALL INCREASE IN UNITS FOR THE PROJECT.



ACTIVITY:	DEVELOPMENT NO.:	DATE:	CLIENT:	PROJECT:	TITLE:
DESIGNED BY:	070/1983	10/22/05	SMR NORTH 70, LLC	LAKEWOOD CENTRE DRI	GENERAL DEVELOPMENT PLAN
DRAWN BY:	070/1983	10/22/05			
CHECKED BY:					
CONTRACT ADMIN. BY:					
DATE:	08/08/07	NO. OF SHEETS:	1	SHEET NO.:	04333-013-000
SCALE:	AS SHOWN	DATE APPROVED BY:		DATE:	2 of 2

LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 16, 17 and 18 Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of said Section 7, also being the Northeast corner of the above mentioned Section 18; thence N.88°45'31"W., along the north line of said Section 18 a distance of 21.43 feet to the POINT OF BEGINNING, said point being a point on the easterly right-of-way line of Lakewood Ranch Boulevard, a 120-foot wide Public Right-of-way; the following two (2) calls are along said easterly right-of-way line; (1) thence N.02°18'37"W., a distance of 346.71 feet to the point of curvature of a curve to the right having a radius of 3,940.00 feet and a central angle of 03°48'48"; (2) thence northerly along the arc of said curve, an arc length of 262.23 feet to the point of compound curvature of a curve to the right having a radius of 50.00 feet and a central angle of 91°37'13"; thence northeasterly along the arc of said curve, an arc length of 79.95 feet to the point of tangency of said curve; thence S.86°52'35"E., a distance of 1,131.57 feet to the point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 44°37'24"; thence easterly along the arc of said curve, an arc length of 1,669.02 feet to the point of reverse curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 34°25'49"; thence northeasterly along the arc of said curve, a distance of 1,215.67 feet to the point of tangency of said curve; thence N.82°55'49"E., a distance of 734.17 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 87°53'04"; thence southeasterly along the arc of said curve, an arc length of 76.69 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 23°41'47"; thence southerly along the arc of said curve, a distance of 1,211.79 feet to the point of reverse curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 11°22'52"; thence southeasterly along the arc of said curve, a distance of 556.19 feet to the point of tangency of said curve; thence S.68°29'59"W., a distance of 11.00 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.68°29'59"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 03°46'14", an arc length of 183.54 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence southeasterly along the arc of said curve, through a central angle of 46°58'18", an arc length of 28.69 feet to the point of compound curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of 07°40'51"; thence southerly along the arc of said curve, an arc length of 375.36 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 01°04'12"; thence southerly along the arc of said curve, a distance of 54.72 feet to the end of said curve; thence S.01°18'11"W., along a line non-tangent to the last described curve, a distance of 51.28 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.78°25'45"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 05°37'54", an arc length of 289.07 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.25°50'30"W., a radial distance of 35.00 feet; thence southeasterly along the arc of

said curve, through a central angle of $46^{\circ}27'42''$, an arc length of 28.38 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of $06^{\circ}44'40''$; thence southerly along the arc of said curve, a distance of 344.90 feet to the end of said curve; thence $S.12^{\circ}34'36''E.$, along a line non-tangent to the last described curve, a distance of 51.41 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.64^{\circ}34'42''E.$, a radial distance of 2,941.00 feet; thence southeasterly along the arc of said curve, through a central angle of $01^{\circ}33'58''$, an arc length of 80.39 feet to the point of tangency of said curve; thence $S.26^{\circ}59'15''E.$, a distance of 113.45 feet; thence $S.63^{\circ}00'45''W.$, a distance of 90.22 feet to the point of curvature of a curve to the right having a radius of 1943.00 feet and a central angle of $18^{\circ}07'32''$; thence along the arc in a southwesterly direction, a distance of 614.67 feet to the end of said curve; thence $S.09^{\circ}31'35''E.$, along a line non-tangent to the last described curve, a distance of 78.62 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies $N.10^{\circ}12'41''W.$, a radial distance of 2007.00 feet; thence along the arc in a northeasterly direction, passing through a central angle of $11^{\circ}39'48''$, an arc length of 408.55 feet to the end of said curve; thence $N.79^{\circ}51'15''E.$, along a line non-tangent to the last described curve, a distance of 51.06 feet to the point of curvature of a curve to the left, of which the radius point lies $N.23^{\circ}17'40''W.$, a radial distance of 3,012.26 feet; thence along the arc in a northeasterly direction, passing through a central angle of $04^{\circ}10'01''$, an arc length of 219.07 feet to the end of said curve; thence $S.31^{\circ}07'37''E.$, along a line non-tangent to the last described curve, a distance of 152.40 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies $S.26^{\circ}59'16''E.$, a radial distance of 50.00 feet; thence easterly along the arc of said curve, through a central angle of $90^{\circ}00'00''$, an arc length of 78.54 feet to the point of tangency of said curve; thence $S.26^{\circ}59'15''E.$, a distance of 769.47 feet to the point of curvature of a curve to the right having a radius of 2,800.00 feet and a central angle of $27^{\circ}15'57''$; thence southerly along the arc of said curve, an arc length of 1,332.47 feet to the point of tangency of said curve; thence $S.00^{\circ}16'42''W.$, a distance of 641.12 feet; thence $N.89^{\circ}43'18''W.$, a distance of 670.00 feet; thence $S.00^{\circ}16'42''W.$, a distance of 990.00 feet to the north right-of-way line of State Road 70, a 200-foot wide Public Right-of-way; the following two (2) calls are along said northerly right-of-way line; (1) thence $N.89^{\circ}43'18''W.$, a distance of 527.20 feet; (2) thence $N.88^{\circ}46'44''W.$, a distance of 3,950.87 feet to the east right-of-way line of said Lakewood Ranch Boulevard; thence $N.01^{\circ}13'16''E.$, along said east right-of-way line, a distance of 100.01 feet; thence $S.88^{\circ}46'44''E.$, a distance of 210.34 feet to the point of curvature of a curve to the left having a radius of 50.00 feet and a central angle of $108^{\circ}00'50''$; thence northeasterly along the arc of said curve, an arc length of 94.26 feet to the point of tangency of said curve; thence $N.16^{\circ}47'34''W.$, a distance of 69.44 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of $18^{\circ}19'57''$; thence northerly along the arc of said curve, an arc length of 95.99 feet to the point of tangency of said curve; thence $N.01^{\circ}32'24''E.$, a distance of 131.00 feet to the point of curvature of a curve to the left having a radius of 30.00 feet and a central angle of $89^{\circ}19'08''$; thence northwesterly along the arc of said curve, an arc length of 46.77 feet to the point of tangency of said curve; thence $N.87^{\circ}46'44''W.$, a distance of 193.00 feet to the east right-of-way line of said Lakewood Ranch Boulevard; the following three (3) calls are

along said east right-of-way line; (1) thence N.01°13'16"E., a distance of 71.50 feet to the point of curvature of a curve to the left having a radius of 1,810.00 feet and a central angle of 47°18'07"; (2) thence northerly along the arc of said curve, an arc length of 1,494.29 feet to the point of tangency of said curve; (3) thence N.46°04'51"W., a distance of 88.50 feet; thence N.43°55'10"E., a distance of 93.66 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 124°16'00"; thence northerly along the arc of said curve, an arc length of 43.38 feet to the point of reverse curvature of a curve to the right having a radius of 71.00 feet and a central angle of 44°08'56"; thence northwesterly along the arc of said curve, a distance of 54.71 feet to the point of tangency of said curve; thence N.36°11'54"W., a distance of 225.82 feet; thence N.48°58'07"W., a distance of 84.68 feet; thence N.69°43'32"W., a distance of 99.20 feet to the point of curvature of a curve to the left having a radius of 20.00 feet and a central angle of 54°19'36"; thence westerly along the arc of said curve, an arc length of 18.96 feet to the point of tangency of said curve; thence S.55°56'52"W., a distance of 32.09 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.55°56'52"E., a radial distance of 2,190.00 feet, said point also being a point on the east right-of-way line of said Lakewood Ranch Boulevard; the following two (2) calls are along said east right-of-way line; (1) thence northerly along the arc of said curve, through a central angle of 31°44'31", an arc length of 1,213.27 feet to the point of tangency of said curve; (2) thence N.02°18'37"W., a distance of 1,728.76 feet to the POINT OF BEGINNING.

Said tract contains 33,590,466 square feet or 771.1310 acres, more or less.

LESS:

Pond Number 3, described in Official Record Book 1540, Page 7918 of the Public Records of Manatee County, Florida;

LESS:

Parcel 100A, described in Official Record Book 1915, Page 5768 of the Public Records of Manatee County, Florida;

LESS:

Premises described in Warranty Deed to DVA Arena, LLC, recorded in Official Record Book 1943, Page 4075 of the Public Records of Manatee County, Florida;

LESS: Ingress-Egress Easement No. 1

A Tract of land lying in Section 9, 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Section 17; thence S.89°34'35"E along the North line of said Section 17 a distance of 3985.93 feet; thence S.00°25'25"W a

distance of 487.63 feet to the POINT OF BEGINNING; said point being the point of curvature of a curve to the right, of which the radius point lies S.69°39'59"E., a radial distance of 325.00 feet; thence northeasterly along the arc of said curve, through a central angle of 33°08'49", an arc length of 188.02 feet to the point of tangency of said curve; thence N.53°28'49"E., a distance of 370.60 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 30°41'48"; thence easterly along the arc of said curve, an arc length of 174.12 feet to the point of tangency of said curve; thence N.84°10'37"E., a distance of 374.39 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 24°43'08"; thence easterly along the arc of said curve, an arc length of 140.21 feet to the point of reverse curvature of a curve to the left having a radius of 275.00 feet and a central angle of 37°11'49"; thence easterly along the arc of said curve, a distance of 178.53 feet to the point of compound curvature of a curve to the left having a radius of 35.00 feet and a central angle of 91°38'36"; thence northeasterly along the arc of said curve, an arc length of 55.98 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.70°03'20"W., a radial distance of 2,789.00 feet; thence southerly along the arc of said curve, through a central angle of 02°12'54", an arc length of 107.82 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.25°49'28"W., a radial distance of 35.00 feet; thence westerly along the arc of said curve, through a central angle of 44°31'14", an arc length of 27.20 feet to the point of tangency of said curve; thence S.71°18'14"W., a distance of 9.06 feet to the point of curvature of a curve to the right having a radius of 337.00 feet and a central angle of 37°35'30"; thence westerly along the arc of said curve, an arc length of 221.11 feet to the point of reverse curvature of a curve to the left having a radius of 263.00 feet and a central angle of 01°53'10"; thence westerly along the arc of said curve, a distance of 8.66 feet to the point of tangency of said curve; thence N.72°59'26"W., a distance of 56.37 feet to the point of curvature of a curve to the left having a radius of 137.00 feet and a central angle of 22°49'57"; thence westerly along the arc of said curve, an arc length of 54.60 feet to the point of tangency of said curve; thence S.84°10'37"W., a distance of 371.34 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 30°41'48"; thence westerly along the arc of said curve, an arc length of 147.33 feet to the point of tangency of said curve; thence S.53°28'49"W., a distance of 370.60 feet to the point of curvature of a curve to the left having a radius of 275.00 feet and a central angle of 34°54'45"; thence southwestwardly along the arc of said curve, an arc length of 167.57 feet to the end of said curve; thence N.60°04'23"W., a distance of 50.84 feet to the POINT OF BEGINNING.

Said tract contains 76,341 square feet or 1.7526 acres, more or less.

LESS: Ingress-Egress Easement No. 2

A Tract of land lying in Sections 16 and 17, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of said Sections 16 and 17; thence S.89°34'35"E along the North line of said Section 17 a distance of 4291.01 feet; thence S.00°25'25"W

a distance of 654.77 feet to the POINT OF BEGINNING; thence S.60°04'23"E., a distance of 25.14 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.46°57'50"E., a radial distance of 325.00 feet; thence easterly along the arc of said curve, through a central angle of 113°10'48", an arc length of 641.99 feet to the point of reverse curvature of a curve to the left having a radius of 255.00 feet and a central angle of 85°25'10"; thence southeasterly along the arc of said curve, a distance of 380.17 feet to the point of tangency of said curve; thence N.70°47'48"E., a distance of 283.99 feet to the point of curvature of a curve to the left having a radius of 35.00 feet and a central angle of 85°57'17"; thence northeasterly along the arc of said curve, an arc length of 52.51 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.74°50'32"E., a radial distance of 2,941.00 feet; thence southerly along the arc of said curve, through a central angle of 02°02'41", an arc length of 104.95 feet to the end of said curve; thence N.72°51'02"W., along a line non-tangent to the last described curve, a distance of 10.58 feet; thence S.70°47'48"W., a distance of 226.06 feet to the point of curvature of a curve to the right having a radius of 167.00 feet and a central angle of 08°40'50"; thence westerly along the arc of said curve, an arc length of 25.30 feet to the point of tangency of said curve; thence S.79°28'38"W., a distance of 62.92 feet to the point of curvature of a curve to the left having a radius of 133.00 feet and a central angle of 04°57'32"; thence westerly along the arc of said curve, an arc length of 11.51 feet to the point of reverse curvature of a curve to the right having a radius of 309.00 feet and a central angle of 81°41'53"; thence northwesterly along the arc of said curve, a distance of 440.60 feet to the point of reverse curvature of a curve to the left having a radius of 271.00 feet and a central angle of 49°45'11"; thence northwesterly along the arc of said curve, a distance of 235.32 feet to the point of tangency of said curve; thence N.78°27'38"W., a distance of 46.52 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.06°36'57"W., a radial distance of 271.00 feet; thence westerly along the arc of said curve, through a central angle of 21°41'20", an arc length of 102.59 feet to the end of said curve; thence S.66°23'37"W., along a line non-tangent to the last described curve, a distance of 80.42 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.32°08'23"E., a radial distance of 271.00 feet; thence southwesterly along the arc of said curve, through a central angle of 10°26'33", an arc length of 49.39 feet to the end of said curve; thence S.39°34'23"E., along a line non-tangent to the last described curve, a distance of 35.74 feet; thence N.60°04'23"W., a distance of 116.67 feet; thence N.29°55'37"E., a distance of 4.78 feet to the POINT OF BEGINNING.

Said tract contains 75,680 square feet or 1.7374 acres, more or less.

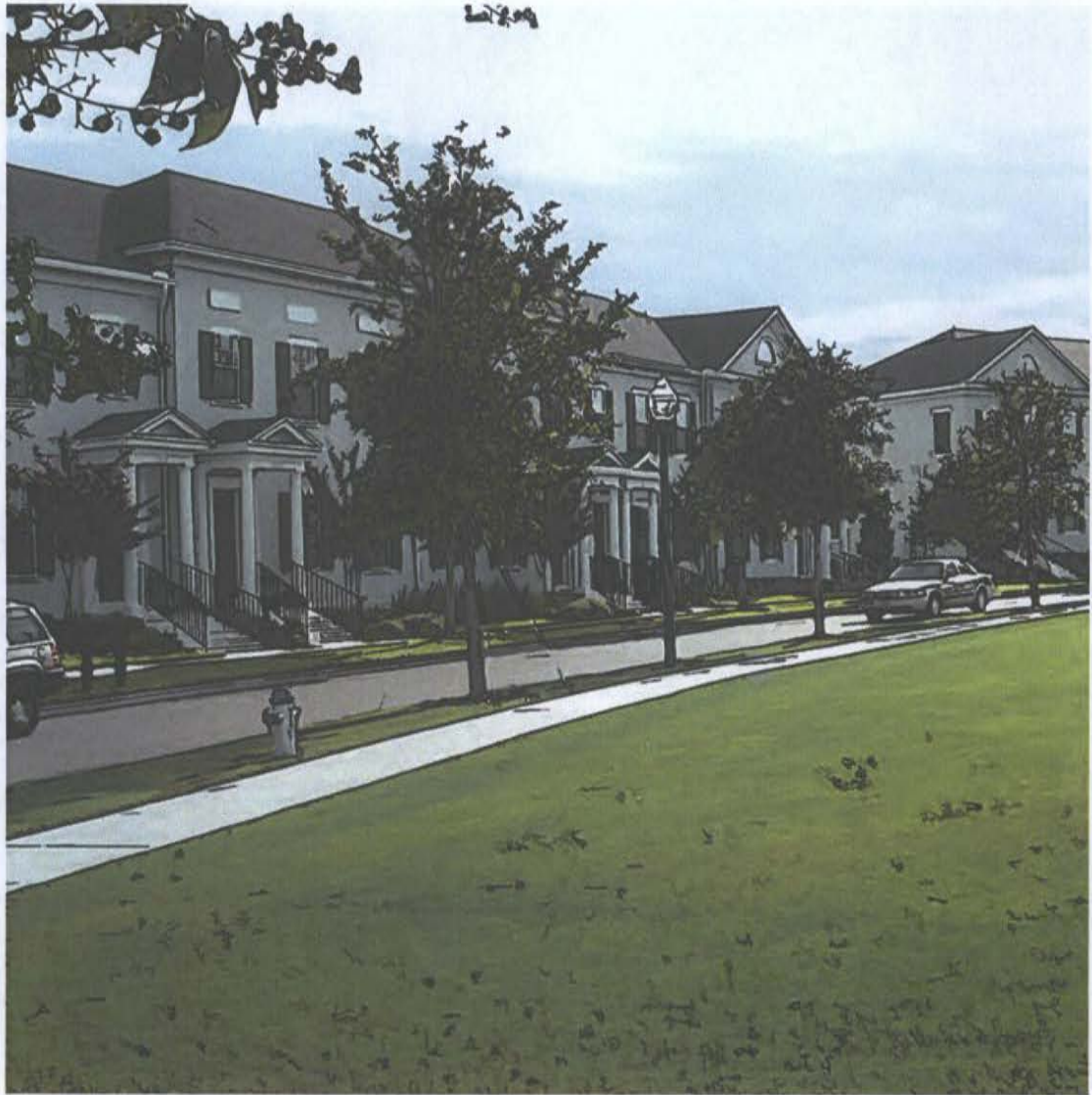
Total Described Area	=	771.1310 Acres +/-
Less: Pond No. 3	=	5.15 Acres +/-
Less: Parcel 100A	=	4.512 Acres +/-
Less: DVA Arena, LLC	=	60.5327 Acres +/-
Less: Ingress-Egress Easement No. 1	=	1.7526 Acres +/-
Less: Ingress-Egress Easement No. 2	=	<u>1.7374 Acres +/-</u>
Net Area	=	697.4463 Acres +/-







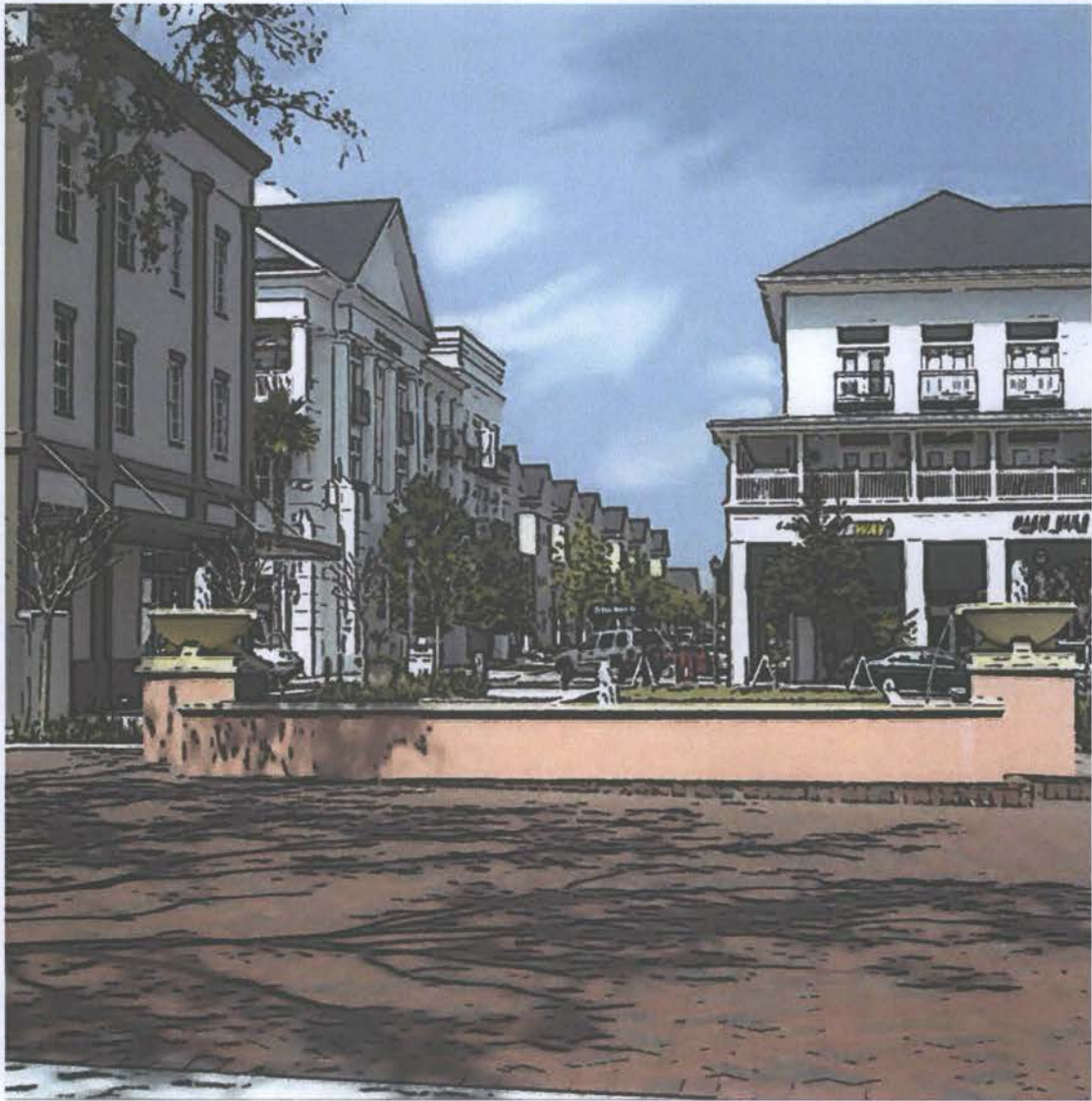














STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 14th day of December, 2012
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 17, 2012

RECEIVED

JAN 02 2012

BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 14, 2012 and certified copies of Manatee County Ordinance Nos. PDMU-06-30(G)(R), PDMU-11-08(Z)(G), PDMU-11-12(G), AND 12-28, which were filed in this office on December 17, 2012.

As requested, one date stamped copy of each ordinance is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

Enclosure

