#130

MANATEE COUNTY
FLORIDA

December 18, 2012

Darenda Marvin
Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano, P.L.
1023 Manatee Avenue West
Bradenton, Florida 34205

Re: **Cypress Banks DRI # 17 (TBRPC #130)**
Request: Extensions for Tolling and Extensions of Permits and other Authorizations Under Executive Orders for Tropical Storm Debby (12-140, 12-192, 12-217); and Executive Order for Tropical Storm Isaac (12-199)
Project Number: Z-86-30(G) (R15)/ORD-08-69(EXT2) DTS #: 20120436

Dear Ms. Marvin:

In 2012 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency for both Tropical Storm Debby and Tropical Storm Isaac.

Florida Statute Section 252.363 *"Tolling and extension of permits and other authorizations." This statute allows for the tolling and extension to the expiration of a development order issued by a local government, the expiration of a building permit and to developments of regional impact build out dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and six months following the tolled period.*

Tropical Storm Debby: (Executive Orders 12-140, 12-192, and 12-217):

- On June 25, 2012, a State of Emergency (Executive Order 12-140) was declared for Tropical Storm Debby. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through August 24, 2012. On August 20, 2012, Executive Order Number 12-192 extended the State of Emergency for thirty days from August 20 to September 19, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson,

Building and Development Services Department
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000
WEB: *www.mymanatee.org* * PHONE: 941.748.4501 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * VANESSA BAUGH * CAROL WHITMORE * BETSY BENAC
District 1 *District 2* *District 3* *District 4* *District 5* *At Large* *At Large*

Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties. On September 19, 2012, Executive Order Number 12-217 extended again the State of Emergency for 5 additional days from September 19, 2012 to September 24, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson, Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties.

- The deadline for notification (request) is December 23, 2012.
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -140, 12-192, and 12-217 is 91 days and six months (FS 252.363)

Tropical Storm Isaac (Executive Order 12-199):

- On August 25, 2012, a State of Emergency (Executive Order 12-199) was declared for Tropical Storm Isaac. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through October 24, 2012.
- The deadline for notification to the Manatee County is January 22, 2013.
- Since you have applied for an extension pursuant to both Tropical Storm Debby and Isaac, only the tolling period for Isaac that has not "overlapped" with the tolling period for Tropical Storm Debby, and the six month period (FS 252.363)
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -199 is 30 days and six months.

You have applied for extensions of your development approvals for Tolling and Extension of Permits and other Authorizations under Executive Orders 12-140, 12-192, 12-217 and 12-199 pursuant to Florida Statutes Section 252.363 relative to the Cypress Banks Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling period and a six month period extension for each emergency declaration – totaling a 1 year and 121 day extension. As you have made an application and the development otherwise qualifies, your deadlines for the Cypress Banks DRI Ordinance and its associated General Development Plan are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the previous HB 7207 extensions, Wildfire (EO 11-128, EO 11-172, EO 11-202) and the additional Tropical Storm Debby and Isaac extensions (12-140, 12-192, 12-217 and 12-199):

CYPRESS BANKS; DRI #17; ORD-08-69
EXHIBIT D - PROPOSED PHASING SCHEDULE

H. (18) This Development Order shall expire on ~~June 29, 2022~~ October 28, 2023.

- The Phase III phasing schedule date currently reflects January 7, 2003 – June 29, 2018. With the additional 6 months and 91 days under Tropical Storm Debby and 6 months 30 days for Tropical Storm Isaac (1 year and 121 days total) under

the FS 252.363 extension, the phasing schedule for Phase III is extended to October 28, 2019.

- The Phase IV phasing schedule currently reflects August 7, 2003 – June 29, 2022. With the additional 6 months and 91 days under Tropical Storm Debby and 6 months 30 days for Tropical Storm Isaac (1 year and 121 days total) under the FS 252.363 extension, the phasing schedule for Phase IV is extended to October 28, 2023.

CYPRESS BANKS; ZONING ORDINANCE Z-86-30(G)(R15)
Exhibit D - PROPOSED PHASING SCHEDULE

- The Phase III phasing schedule date currently reflects January 7, 2003 – June 29, 2018. With the additional 6 months and 91 days under Tropical Storm Debby and 6 months 30 days for Tropical Storm Isaac (1 year and 121 days total) under the FS 252.363 extension, the phasing schedule for Phase III is extended to October 28, 2019.
- The Phase IV phasing schedule currently reflects August 7, 2003 – June 29, 2022. With the additional 6 months and 91 days under Tropical Storm Debby and 6 months 30 days for Tropical Storm Isaac (1 year and 121 days total) under the FS 252.363 extension, the phasing schedule for Phase IV is extended to October 28, 2023.

Please accept this letter as confirmation of the extension. The extensions reflected above for the Cypress Banks DRI #17 Development Order and Zoning Ordinance are also hereby confirmed for those corresponding dates shown on the associated Map H and the General Development Plan, respectively. At the next NOPC or amendment for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,

Lisa Barrett

Lisa Barrett
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (email)
Katie LaBarr, AICP – Manatee County Building & Development Services (email)

#130

MANATEE COUNTY
FLORIDA

February 10, 2012

Todd Pokrywa
Schroeder Manatee Ranch, Inc.
14400 Covenant Way
Lakewood Ranch, Florida 34202

Re: Addendum to House Bill 7207 extension granted on 10/12/2011
Cypress Banks DRI # 17
Request pursuant to F.S. 252.363 F.S. - Tolling & Extension of Permits
Project Number: Z-86-30(G)(R15)/ORD-08-69(EXT) DTS #: 20110284

Dear Mr. Pokrywa:

In 2011 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency. On June 13, 2011, a State of Emergency (Executive Order 11-128) was declared for concerns with wildfires. The State of Emergency initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3. The State of Emergency terminated on November 3, 2011. Section 252.363, F.S., allows the developer of the development of regional impact 90 days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided. This statute allows for the tolling and extension of development of regional impact buildout dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and six months following the tolled period. For the wildfire emergency declarations the deadline for this notification is February 1, 2012. The length of the tolling and the six month extension is 10 months and 21 days (326 days total).

You have applied for extensions of your development approvals under FS 252.363 relative to the Cypress Banks Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling and the six month extension is 10 months and 21 days (326 days total) under FS 252.363. As you have made an application and the development otherwise qualifies, your deadlines for the Cypress Banks DRI Ordinance 08-69 and its associated Zoning Ordinance/General Development Plan Z-86-30(G)(R15) are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the previous HB 7207 extensions, and the additional F.S. 252.363 extension:

Building and Development Services Department
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000
WEB: *www.mymanatee.org* * PHONE: 941.748.4501 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH

CYPRESS BANKS; DRI #17; ORD-08-69
EXHIBIT D

PROPOSED PHASING SCHEDULE

- The Phase III phasing schedule date currently reflects January 7, 2003 – August 2017. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the phasing schedule for Phase III is extended to June 29, 2018.
- The Phase IV phasing schedule currently reflects August 7, 2003 - 2021. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the phasing schedule for Phase IV is extended to June 29, 2022.

H. (18) This Development Order shall expire on ~~August 7, 2021~~ June 29, 2022.

CYPRESS BANKS; ZONING ORDINANCE Z-86-30(G)(R15)

PROPOSED PHASING SCHEDULE

- The Phase III phasing schedule date currently reflects January 7, 2003 – August 2017. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the phasing schedule for Phase III is extended to June 29, 2018.
- The Phase IV phasing schedule currently reflects August 7, 2003 - 2021. With the additional 10 months and 21 day (326 days total) under the FS 252.363 extension, the phasing schedule for Phase IV is extended to June 29, 2022.

Please accept this letter as confirmation of the extension. The phase date extensions reflected above for the Cypress Banks Development Order and Zoning Ordinance are also hereby confirmed for those corresponding dates shown on the associated Map H and the General Development Plan, respectively. At the next NOPC for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,

Lisa Barrett
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (email)
Katie LaBarr AICP – Manatee County Building and Development Services (email)

#130

MANATEE COUNTY
FLORIDA

October 12, 2011

Todd Pokrywa
Schroeder Manatee Ranch, Inc.
14400 Covenant Way
Lakewood Ranch, Florida 34202

Re: **Cypress Banks DRI # 17 – Ordinance 08-69 and Z-86-30(G)(R15)**
HB 7207 – 4 year extension of phase, buildout, and expiration dates
Project Number: Z-86-30(G)(R15)/ORD-08-69(EXT) DTS #: 20110284

Dear Mr. Pokrywa:

During the 2011 legislative session, the Florida Legislature approved a growth management bill (HB 7207) that included a four year extension, at the option of the developer, of all commencement, phase, buildout and expiration dates for projects that are currently valid Developments of Regional Impact (DRIs) regardless of any previous extensions. The legislation further states that the extension is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation. The legislation requires notification in writing to the local government prior to December 31, 2011 in order to receive the extensions.

You have applied for extensions of your development approvals under HB 7207 relative to the Cypress Banks Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for four years under HB 7207. Your deadlines for the Cypress Banks DRI Ordinance 08-69 and its associated Zoning Ordinance/General Development Plan Z-86-30(G)(R15) are eligible for the 4 year extension and have been extended as follows, with the dates set forth below reflecting the HB 7207extension:

Building and Development Services Department
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000
WEB: *www.mymanatee.org* * PHONE: 941.748.4501 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DiSABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH
District 1 District 2 District 3 District 4 District 5 District 6 District 7

CYPRESS BANKS; DRI #17; ORD-08-69

H. (18) This Development Order shall expire on August 7, ~~2017~~ 2021.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE
10/30/07

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)**	46,856 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, ~~2013~~ 2017)+	166,818 s.f. (Community Shopping)		1,406
IV (August 7, 2003 - ~~2017~~ 2021)+		Third Golf Course	1,766
TOTAL	213,674 s.f.		5,982*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991 acre tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

**Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

***This date is being advanced to reflect the developer s compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

CYPRESS BANKS; ZONING ORDINANCE Z-86-30(G)(R15)

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE
October 2, 2008

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)	46,856 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, ~~2013~~ 2017)* **	166,818 s.f. (Community Shopping)		1,406
IV (August 7, 2003 - ~~2017~~ 2021)*		Third Golf Course	1,766
TOTAL	213,674 s.f.		5,982*

Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

* This date is being advanced to reflect the developer s compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

**Any commercial component (e.g., lot within a subdivision, land lease, condo plat, etc.) of Phase III shall be entitled to receive a building permit after the Phase III build-out date providing the commercial component is part of a larger commercial site (e.g., subdivision, land lease, condo plat, etc.) for which the required infrastructure and Concurrency improvements have been completed, approved and accepted by the County. This is not intended to authorize the issuance of building permits after the final DRI build out date.

Please accept this letter as confirmation of the extension. At the next NOPC for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,

Lisa Barrett

Lisa Barrett
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency

#130

MANATEE COUNTY
FLORIDA

Certified Mail # 7000 0520 0015 6095 9850

March 20, 2009

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Corrective Development Order for the Cypress Banks DRI #17

Dear Mr. Meyer:

Enclosed is a certified copy of the Corrective Document for Ordinance 08-69, the DRI Development Order for the Cypress Banks DRI #17, as adopted in open session by the Manatee County Board of County Commissioners on December 4, 2009 and amended on February 24, 2009, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enlcosure

Planning Department
Mailing Address: P.O. Box 1000 * Street Address: 1112 Manatee Ave. W. 4th Floor, Bradenton, FL 34205
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org

LARRY BUSTLE * DR. GWENDOLYN Y. BROWN * JOHN R. CHAPPIE * RON GETMAN * DONNA G. HAYES * CAROL WHITMORE * JOE MCCLASH
District 1 District 2 District 3 District 4 District 5 District 6 District 7

FILED FOR RECORD
R. B. SHORE
2009 MAR -9 PM 2:1
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE 08-69

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER WHICH SUPERCEDES ORDINANCE 05-33; PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SCHROEDER MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP), FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

TO APPROVE A 380.06 NOTICE OF PROPOSED CHANGE TO THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT TO:

- **ADD 178.4 ACRES (EAST OF LORRAINE RD., NORTH OF CURRENT DRI BOUNDARY;**
- **REMOVE 1.5 ACRES;**
- **INCREASE RESIDENTIAL BY 110 ACRES;**
- **INCREASE OPEN SPACE BY 65.8 ACRES;**
- **INCREASE ROAD RIGHT-OF-WAY BY 1.1 ACRES;**
- **ADD 28 SINGLE-FAMILY UNITS;**
- **ADD 179 MULTI-FAMILY UNITS;**
- **MOVE COMMERCIAL ENTITLEMENTS FROM PHASE 2 TO PHASE 3;**
- **EXTEND THE BUILDOUT DATES FOR PHASES 3 AND 4;**
- **AMEND MAP H AND THE DEVELOPMENT ORDER TO REFLECT THE ABOVE REFERENCED CHANGES; AND**
- **PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.**

LOCATION: The Cypress Banks DRI is located approximately 2 miles east of I-75, south of S.R. 70 (4,055.7 acres).

CORRECTIVE DOCUMENT

SECTION 1.

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as Cypress Banks or the Development; and

WHEREAS, the land development project known as Cypress Banks, a legal description of which is provided below, lies within the unincorporated area of Manatee County; and

FILED
2009 MAR -2 AM 11:37
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments, and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

CORRECTIVE DOCUMENT

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ±0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, On March 28, 2000 the Board Of County Commissioners approved Ordinance 00-06 which added 374.1 acres, including an additional 75.9 acres of residential; 250.2 acres of open space, and 48 acres for right-of way and easements, added two access points onto State Road 70; amended Map H to reflect these changes; and

WHEREAS, on December 10, 2002 the Board of County Commissioners approved Ordinance 02-34 which added 432.1 acres, including 153.9 acres of residential acreage; 174.8 acres of open space, and 112.4 acres of recreational acreage, amended the internal roadway network, and amended Map H to reflect these changes; and

WHEREAS, on April 22, 2003, the Board of County Commissioners approved Ordinance 03-30 which added 290.0 acres, including175.3 acres of residential acreage; 95.3 acres of open space; and 15.4 acres of recreational, increased commercial land uses by 10,174 square feet, accelerated the start date of Phases II and IV, amended the internal roadway network; provided an effective date; and

WHEREAS, on June 21, 2005, the Board of County Commissioners approved Ordinance 05-33 adopting amendments to the Development Order for Cypress Banks to provide a change to the legal description for the addition of approximately 991.0 acres to the DRI to be distributed among the following land uses: 425.1 acres of residential (including 274 additional dwelling units); 248.0 acres of open space; and 222.7 acres of recreational; and

WHEREAS, the Developer now requests that the DRI for Cypress Banks be further amended to add an additional 178.4 acres to the DRI to be distributed among the following land uses: 110.0 acres of residential (including 207 additional dwelling units); 65.8 acres of open space; remove 1.5 acres of land from the project; move undeveloped commercial entitlements from Phase II to Phase III, and extend the buildout dates of Phases III and IV by three years; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

CORRECTIVE DOCUMENT

SECTION 2. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #17, ORDINANCE 05-33.

Ordinance 05-33 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Cypress Banks Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Numbers 05-33, 03-30, 02-34, 00-06, and Resolution Numbers 99-25, 95-220, 89-161) shall be superceded by this Ordinance, provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 3. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing, hereby makes the following findings of fact:

A. WHEREAS all clauses preceding this section are adopted as findings of fact.

B. SMR Communities Joint Venture, A Florida General Partnership, hereinafter referred to as one of the Developers, previously submitted to Manatee County, Florida, an Application for Development Approval (ADA) and Sufficiency Responses which are marked Composite Exhibit A and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, Ordinance 05-33, and has also submitted the requested amendment identified as Ordinance 08-69. Hereinafter, the word Application shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, Ordinance 05-33, and the requested change Ordinance 08-69 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The Board of County Commissioners held a Public Hearing on October 2, 2008, regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land

CORRECTIVE DOCUMENT

Development Code and has further considered the information received at Public Hearing.

F. The proposed amendment to Development of Regional Impact regarding the property described in Section 9 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 as amended, the 2020 Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Cypress Banks DRI is Todd Pokrywa, Vice President, Schroeder Manatee Ranch, Inc., 14400 Covenant Way, Bradenton, Florida 34202.

I. The owners of the property, which SMR Communities Joint Venture, A Florida General Partnership, and Wilmington Land Company intend to develop, are Schroeder-Manatee Ranch, Inc., Locust Valley Investments, L.L.C., and Arvida Corporate Park Associates as well as individual lot owners within areas which have been platted. The new acreage (178.4 acres) is currently owned by Schroeder Manatee Ranch, Inc.

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).

K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, and Ordinance 05-33 have been amended, replaced, and superceded in their entirety by this Ordinance.

L. The proposed changes filed by SMR Communities Joint Venture on October 30, 2007, as approved, are presumed to be a Substantial Deviation to the Cypress Banks DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in their report dated July 3, 2008, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.

CORRECTIVE DOCUMENT

SECTION 4. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated July 3, 2008, and as approved by said council on, July 14,

2008, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

D. The Developer has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC, dated 11/07, and approved pursuant to Ordinance No. 08-69 are Substantial Deviations.

SECTION 5. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	3,878.9	4,055.7	+176.9
COMMERCIAL SQUARE FOOTAGE (+10,174 sq. ft.)	213,674 sq. ft./ 29.7 acres	213,674 sq. ft./ 29.7 acres	0.0
RECREATIONAL (GOLF COURSES, PARKS, AND MAINTENANCE FACILITY)	309.2	531.9	0.0
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	1,391.0	1,456.8	+65.8
NET RESIDENTIAL ACREAGE	1,698.8	1,808.8	+110.0
SINGLE FAMILY UNITS	4,884	4,912	+28
MULTI-FAMILY UNITS	891	1,070*	+179*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991 acre tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

PROPOSED LAND USES FOR THE ADDITIONAL 178.4 ACRES ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 08-69

CORRECTIVE DOCUMENT

Based on Florida Land Use, Cover, and Form Classification System - Level III

FLUCFCS CODE	LANDUSE	ACREAGE	% OF SITE
242	Sod Farms	134.3	75.3
260	Other Open Lands	36.8	20.6
321	Rangeland/Shrub & Brushland	3.4	1.9
414	Pine- Mesic Oak	0.8	0.5
524	Lakes Less Than 10 Acres	2.0	1.1
640	Vegetated Non-Forested Wetland	1.1	0.6
Total		178.4	100

SECTION 6. DEFINITIONS:
Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as Map H which is attached to this Ordinance as Exhibit "F" (revised May 2008) and which replaces the previous Map H (revised 6/21/05) Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the Master Development Plan* and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process or construction plan approval where site plans are not required, for this and other developments.

CORRECTIVE DOCUMENT

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised, May 2008) as set forth on Exhibit F hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 213,674 square feet of commercial 5,982 residential units, and 531.9 acres for golf courses and parks.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and Exhibit C , to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

CORRECTIVE DOCUMENT

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service D Peak Hour. This area is generally depicted on Map J (Exhibit B) which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2017)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64
9th Street East

CORRECTIVE DOCUMENT

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

Lorraine Road between SR 70 and University Parkway

SECTION 7. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in Exhibit D (revised 11/07), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 08-63. Preliminary Development Plan* applications for Phases 2, 3, and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in Exhibit D (revised 10/30/07). The Developer* shall complete or demonstrate substantial progress toward infrastructure,

CORRECTIVE DOCUMENT

and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in Exhibit D (revised 10/30/07), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in Exhibit D (revised 10/30/07).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed)**

CORRECTIVE DOCUMENT

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval, pursuant to the Manatee County Land Development Code (LDC) **(Completed for the first 5,982,_units and 213,674 square feet of commercial which are Phases I, II, and III.,).** Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever percentage may be employed from

time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 2000 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J (Exhibit B). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in Exhibit D (revised 10/30/07).

C.(3) Approval of each Preliminary Development Plan* **(Completed for Phase I through IV)** shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County s inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

CORRECTIVE DOCUMENT

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land Development Code (Ordinance 90-01), as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

CORRECTIVE DOCUMENT

C.(6) Pursuant to the Developer's * request that Relocated US-301 improvements as originally noted in Exhibit C , be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated US-301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median

to discourage unsafe cross-traffic movements between these two commercial parcels. **(Completed)**

C.(8) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. **(Completed)**

C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2), 335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Planning Department (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review **(Completed for the approved 3,877.3 acres only, not the additional 178.4 acre parcel, added to the DRI with Ordinance 08-69)** and shall provide one (1) year of pre-construction base-line data acceptable to the Planning Department or their successors) **(Completed for the approved 3,877.3 acres only, not the additional 178.4 acre parcel added to the DRI with Ordinance 08-69).** Construction monitoring shall be initiated at the beginning of construction and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-302, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 432.1 acre parcel added to the DRI with Ordinance 02-34 **(Completed)** and the additional 290.9 acre parcel

CORRECTIVE DOCUMENT

added to the DRI with Ordinance 03-30 **(Completed)**, and the additional 991.0 acre parcel added to the DRI with Ordinance 05-33, prior to commencement of any construction on this parcel. The County s Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

For the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33. EMD and FDEP shall review the applicant's one year of data from the Ambient Surface Water Monitoring Program to determine if ongoing surface water quality monitoring will be required. In addition, a waterbody (Braden River AB Ward L 1914) within this project's boundary has been identified as impaired by Chapter 62-303 F.A.C. and will be subject to a Total Maximum Daily Load (TMDL). TMDL's define the amount of a pollutant that can exist in a waterbody and still meet its designated use. Waterbodies identified as impaired exceed the TMDL for one or more pollutants. Local stakeholders (e.g. Developer or homeowner's associations) will be responsible for reducing the amount of pollutants that enter an impaired system that falls within their jurisdiction. Pollutant reductions will be shown through the development and participation in Basin Management Action Plans (BMAP). The Developer shall participate in any BMAP that is developed for a sub-basin located partially or wholly within the project's boundary. Furthermore, any responsibility that the Developer takes on under the scope of a BMAP shall be passed on to future responsible parties within the development (e.g. homeowners' associations) for the additional 991.0 acre parcel added to the DRI with Ordinance 05-33.

Groundwater quality monitoring shall be required for the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33 through build-out of the project. The ongoing groundwater monitoring will be performed in accordance with EMD's Groundwater Monitoring Requirements and FDEP's Environmental Monitoring Plan (EMP) guidance documents, both contained in the Cypress Banks DRI/East Sector NOPC Site Environmental Monitoring Plan approved by EMD on December 17, 2004. A proposal for ongoing groundwater monitoring will be submitted to EMD and FDEP, along with the applicant's one year of data from the Ambient (baseline) Groundwater Monitoring Program for evaluation and approval, prior to commencement of an ongoing groundwater monitoring program.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC s) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed)**.

D.(3) In the event that any species listed in Rule 68A-27.003, Rule 68A-27.005, or Rule, 68A-27.004 Florida Administrative Code (FAC) are observed frequenting the site for

CORRECTIVE DOCUMENT

nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.).

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1-acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities **(Completed)**.

A mesic hammock (9.3 acres) for the 374.1 acre parcel added to the DRI with Ordinance 00-06, as shown on revised Map H dated April 22, 2003 shall be preserved as habitat for the Sherman s Fox Squirrel **(Completed)**.

D.(4) All wetlands within the site are considered jurisdictional and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted. The only wetland impact permitted with the 432.1 acres added with the adoption of Ordinance 02-34, shall be the roadway crossing shown on Map H, and allow for piling supported structures for golf cart paths, in accordance with Section 719 of the LDC. Such structures shall be located as to minimize impacts to desirable vegetation. None of the 2.2 acre wetland on the 290.9 acre parcel added to the DRI with the adoption of Ordinance 03-30 shall be impacted. Of the 78.3 wetland acres, 1.59 acres will be impacted on the 991.0 acre parcel added to the DRI with the adoption of Ordinance 05-33. The impact shall be limited to 1.52 acres within wetland SE-W71 to allow a roadway crossing, residential uses, and a stormwater management system, 0.04 acres within SE-W46 to allow a roadway crossing, and 0.03 acres within wetland SE-W100 to allow an elevated golf cart path. This shall be reviewed and approved by the Planning Department prior to Final Site Plan approval.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on Exhibit E (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 4/22/03), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption.

D.(6) Representative tracts of all major native upland vegetative communities shall be set

CORRECTIVE DOCUMENT

aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures or non single-family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of

CORRECTIVE DOCUMENT

Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

D.(15) The 326.1-acre addition (a.k.a. Taylor Ranch) of land added to the DRI with Ordinance 02-34, shall be subject to the following:

A. Upland preservation shall be provided by increasing the wetland buffer approximately twenty feet beyond the 30 foot (30') wetland buffer required by the Manatee County Land Development Code. Upland preservation areas shall be delineated on the Final Site Plan.

B. Prior to commencement of construction within fifteen hundred feet (1500) of the eagle nest, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).

C. A permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to approval of the Erosion and Sediment Control Plan.

D.(16) Prior to Final Site Plan approval for any area containing existing wells, a Well Management Plan shall be submitted for the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33_for review and approval by Manatee County. The Well Management Plan should include Water Use Permits, approved by SWFWMD, modified for the proposed use and details on how wells will be protected during construction activities.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually

CORRECTIVE DOCUMENT

thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **(Completed for Phase I)**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or

CORRECTIVE DOCUMENT

subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning and Environmental Management Departments (EMD) (or their successors) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-302, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee s Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal

CORRECTIVE DOCUMENT

variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 62.302 , F.A.C. or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. Watt-wise Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;
b. Cross-ventilation;
c. Window orientation for the most efficient heating and cooling systems;
d. Solar heating and cooling systems; and
e. Low pressure sodium lamps for exterior lighting.

CORRECTIVE DOCUMENT

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit A attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches, and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either

CORRECTIVE DOCUMENT

the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County s Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

CORRECTIVE DOCUMENT

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I **(Completed)**.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR Communities Joint Venture, A Florida General Partnership, its successors, assigns or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22, 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

CORRECTIVE DOCUMENT

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government s compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, significant development shall be the actual construction of site improvements or buildings as part of an

CORRECTIVE DOCUMENT

ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2017.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty-foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

CORRECTIVE DOCUMENT

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

H.(21) The Developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road, as identified on the General Development Plan dated April 22, 2003. Prior to dedication, the Developer shall construct those improvements which are indicated as "Developer Improvements" on that plan prepared by Wilson Miller, Inc., dated April 22, 2003 and attached hereto as Exhibit G. Manatee County shall identify the park as a planned project within the park capital improvement plan as a condition precedent to the Developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Park and Recreation system. If the dedication and construction by Developer* meet this condition it shall be eligible for impact fee credits from the parks and recreation component. **(Completed).**

CORRECTIVE DOCUMENT

H. (22) The developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road and directly north of The Masters Avenue extension, as identified on the General Development Plan dated June 21, 2005 {Z-86-30(R14)}. Prior to dedication, the developer shall construct improvements as agreed upon between the developer and Manatee County Parks and Recreation Department. Manatee County shall be responsible for any additional improvements. The developer improvements shall be constructed using design and materials consistent with similar park facilities in other Manatee County parks. Manatee County shall identify the park as a planned project within the parks and recreation level of service standards contained in the Comprehensive Plan as a condition precedent to the developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Parks and Recreation system. If the dedication and construction by developer meets this condition, it shall be eligible for impact fee credits from the parks and recreation component.

SECTION 8. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (*Application for Development Approval [ADA], pg. 7*)

2. The proposed uses for the property include residential, open space, a golf course and club house and a park *(NOPC Application/Page 4)*.

3. The breakdown of the 991.0-acre addition is as follows: 425.1 acres - residential, 248.0 acres - "other open space," 95.2 acres road right-of-way and easements, and 222.7 acres - recreation *(NOPC Application/Page 7)*.

4. Lorraine Road will be added to the list of impacted transportation facilities identified within the Development Order (Ordinance 03-30).

5. The acreage expansion is adding five new access points. Two of the access points will be located on The Masters Avenue extension. Two are inter-neighborhood connections, and the fifth access point will be at Lorraine Road, approximately 1.3 miles south of SR 70.

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (*ADA, pg. 17*)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded, or mulched. (*ADA, pg. 18*)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (*ADA, pgs. 19 and 21)*

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.

CORRECTIVE DOCUMENT

- control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
- control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
- sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
- preserve natural land cover by selective clearing of the site.
- utilize water spray trucks in heavy construction traffic areas.
- design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
- preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (*ADA, pp. 21-22*).

3. The developer will apply the existing Development Order Conditions pertaining to wind and water soil erosion to the additional acreage *(ADA Responses/Page 15-2).*

4. Erosion problems will be mitigated for by the addition of energy attenuators (spreader swales, rip-rap or bubbler boxes) at future and temporary discharge points *(ADA Responses/Page 19-2).*

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-302 and Rule 62-4.242 (*ADA, pg. 42*)

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (*ADA, pg. 43*)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural fringe-area adjacent to the Braden River and three of the largest streams on-site, directly

CORRECTIVE DOCUMENT

into the contiguous stream. (*ADA, pg. 45*)

4. The planned use for the four existing water wells located within the 991.0-acre parcel is a secondary supplement for non-potable surface water irrigation system administered by the Braden River Utilities ((ADA Responses/Page 17).

5. Water used for irrigation will come from non-potable water sources including stormwater and surface water (Additional Information/Pages 6 & 10).

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwater will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

8. The jurisdictional ditch will be relocated within the same commercial parcel but further south to preserve the water quality and quantity functions of the system (Ordinance 03-30)

9. The majority of wetlands on site will be preserved. This extensive preservation along with the observation of the 50-foot wide buffers will minimize adverse impacts to the existing wetland dependent species' habitat.(ADA Responses/Pages 12-12)

10. An average-width 50-foot wetland buffer will be observed around all on-site wetland areas. A minimum 30 foot buffer is required around all isolated wetlands in accordance with Manatee County Development Code (ADA Responses/Pages 13-1 & 13-2).

11. Three wetland sites, 1.59 acres of the 78.3 total wetland acres within the 991.0 acre to be

CORRECTIVE DOCUMENT

added to the DRI will be disturbed.(ADA Responses/Page 13-3).

Floodplains

1. The main Zephyr lily and brown ladies tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

4. The 991.0 acres added to the DRI is located outside of the 100-year floodplain. (*ADA Responses/Page 16-1).*

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

CORRECTIVE DOCUMENT

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

1. There will be no on-site electrical generating facility. (ADA, pg. 198)

CORRECTIVE DOCUMENT

Recreation and Open Space

1. The developer controls the preserved marsh area outside of the DRI and plans to preserve this area *(Additional Information/Page 6)*.

2. There will be a golf course, golf club house, and a 15-acre park within the 991.0 acres to be added to the DRI with Ordinance 05-33. *(Substantial Deviation Application/Page 4)*.

SECTION 9. LEGAL DESCRIPTION OF CYPRESS BANKS

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

A parcel of land lying in Sections 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:
Begin at the northwest corner of said Section 20, said section corner also being the common corner of Sections 17, 18, and 19; thence N.00°34'52"E. along the west line of said Section 17, a distance of 140.67 feet to a point on the southerly right-of-way of State Road 70; the following 9 calls are along said southerly right-of-way of State Road 70; thence S.70°26'04"E., a distance of 373.46 feet to the point of curvature of a curve to the left having a radius of 2,041.86 feet and a central angle of 18°21'30"; thence easterly along the arc of said curve, an arc length of 654.24 feet to the point of tangency of said curve; thence S.88°47'34"E., a distance of 4,362.42 feet; thence S.89°43'34"E., a distance of 1,575.96 feet; thence S.89°42'03"E., a distance of 2,821.50 feet; thence S.89°19'57"E., a distance of 1,464.40 feet to Point "A"; thence S.89°21'15"E., a distance of 3,754.54 feet to the point of curvature of a curve to the right having a radius of 1,777.86 feet and a central angle of 34°24'33"; thence easterly along the arc of said curve, an arc length of 1,067.70 feet to the point of tangency of said curve; thence S.54°56'41"E., a distance of 821.49 feet; thence departing said southerly right-of-way of State Road 70; S.37°00'30"W., a distance of 306.68 feet; thence S.11°59'28"W., a distance of 271.56 feet; thence S.38°13'49"E., a distance of 139.09 feet; thence S.08°47'40"W., a distance of 153.43 feet; thence S.49°56'25"W., a distance of 228.41 feet; thence N.50°07'45"W., a distance of 125.37 feet; thence N.26°43'33"E., a distance of 224.96 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 88°54'40"; thence northerly along the arc of said curve, an arc length of 155.18 feet to the point of tangency of said curve; thence N.62°11'08"W., a distance of 197.43 feet; thence S.61°14'22"W., a distance of 113.08 feet; thence S.24°22'30"W., a distance of 201.08 feet; thence S.00°06'50"W., a distance of 135.65 feet; thence S.50°25'21"E., a distance of 348.47 feet; thence S.35°53'49"W., a distance of 417.52 feet; thence N.56°57'53"W., a distance of 139.47 feet; thence N.83°51'29"W., a distance of 332.08 feet; thence S.32°20'46"W., a distance of 368.15 feet; thence S.15°20'53"W., a distance of 147.34 feet; thence S.53°47'33"W., a distance of 231.66 feet; thence S.76°15'16"W., a distance of 235.33 feet; thence S.46°31'18"W., a distance of 195.52 feet; thence S.33°58'26"W., a distance of 687.37 feet; thence S.37°35'20"W., a distance of 294.52 feet; thence S.52°24'58"W., a distance of 284.05 feet; thence S.75°39'49"W., a distance of 461.38 feet; thence S.74°49'49"W., a distance of 163.40 feet; thence S.63°21'56"W., a distance of 148.94 feet; thence S.44°11'27"W., a distance of 241.21 feet; thence S.63°21'55"W., a distance of 439.23 feet; thence S.81°03'05"W., a distance of 234.09 feet; thence S.57°35'22"W., a distance of 178.26 feet; thence S.69°59'29"W., a distance of 317.24 feet; thence S.80°03'53"W., a distance of 275.24 feet; thence N.81°49'22"W., a distance of 263.52 feet; thence N.67°11'02"W., a distance of 629.23 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.82°00'55"E., a radial distance of 2,880.00 feet; thence southerly along the arc of said curve, through a central angle of 07°28'45", an arc length of 375.94 feet to the point of tangency of said curve; thence S.00°30'20"W., a distance of 354.96 feet; thence S.00°51'27"W. along a line 120 feet easterly of and parallel with the west line of Section 27, a distance of 1,043.22 feet; thence

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departing said parallel line, thence S.89°37'46"E., a distance of 240.68 feet; thence S.40°36'26"E., a distance of 257.70 feet; thence S.81°04'26"E., a distance of 540.66 feet; thence S.49°05'50"E., a distance of 215.16 feet; thence N.40°54'10"E., a distance of 462.14 feet to a point on the southerly line of premises described in Official Record Book 2221, Page 4411 of said Public Records; the following nine (9) calls are along said southerly line; thence S.49°05'50"E., a distance of 42.50 feet; thence N.40°54'10"E., a distance of 111.31 feet to the point of curvature of a curve to the right having a radius of 287.50 feet and a central angle of 50°15'44"; thence northeasterly along the arc of said curve, an arc length of 252.21 feet to the point of reverse curvature of a curve to the left having a radius of 212.50 feet and a central angle of 44°56'31"; thence easterly along the arc of said curve, a distance of 166.68 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.43°47'04"E., a radial distance of 32.50 feet; thence northeasterly along the arc of said curve, through a central angle of 37°05'48", an arc length of 21.04 feet to the point of reverse curvature of a curve to the left having a radius of 352.50 feet and a central angle of 09°54'31"; thence easterly along the arc of said curve, a distance of 60.96 feet to the point of reverse curvature of a curve to the right having a radius of 254.50 feet and a central angle of 31°21'08"; thence easterly along the arc of said curve, a distance of 139.26 feet to the point of compound curvature of a curve to the right having a radius of 32.50 feet and a central angle of 17°15'45"; thence southeasterly along the arc of said curve, an arc length of 9.79 feet to the point of tangency of said curve; thence S.56°24'12"E., a distance of 287.20 feet to a point on the westerly line of premises described in Official Record Book 2221, Page 4402 of said Public Records; thence S.17°18'27"E., along said westerly line, a distance of 464.78 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.72°51'33"E., a radial distance of 1,304.68 feet; thence southeasterly along the arc of said curve, through a central angle of 46°09'43", an arc length of 1,051.15 feet; thence N.40°54'10"E., a distance of 411.03 feet; thence N.69°00'00"E., a distance of 414.64 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 93°51'32"; thence southeasterly along the arc of said curve, an arc length of 532.40 feet to the point of tangency of said curve; thence S.17°08'28"E., a distance of 477.41 feet to the point of curvature of a curve to the left having a radius of 1,304.68 feet and a central angle of 46°09'43"; thence southeasterly along the arc of said curve, an arc length of 1,051.15 feet to the point of compound curvature of a curve to the left having a radius of 300.00 feet and a central angle of 27°41'00"; thence easterly along the arc of said curve, an arc length of 144.95 feet to the point of reverse curvature of a curve to the right having a radius of 300.00 feet and a central angle of 33°34'45"; thence easterly along the arc of said curve, a distance of 175.82 feet to the point of reverse curvature of a curve to the left having a radius of 500.00 feet and a central angle of 14°40'42"; thence southeasterly along the arc of said curve, a distance of 128.09 feet; thence N.39°42'17"E., a distance of 1,366.14 feet; thence N.71°15'17"E., a distance of 132.13 feet to the point of curvature of a curve to the right having a radius of 265.00 feet and a central angle of 28°19'05"; thence easterly along the arc of said curve, an arc length of 130.97 feet to the point of reverse curvature of a curve to the left having a radius of 155.00 feet and a central angle of 30°13'47"; thence easterly along the arc of said curve, a distance of 81.78 feet to the point of reverse curvature of a curve to the right having a radius of 270.00 feet and a central angle of 23°31'53"; thence easterly along the arc of said curve, a distance of 110.89 feet to the point of reverse curvature of a curve to the left having a radius of 95.00 feet and a central angle of 52°06'49"; thence northeasterly along the arc of said curve, a distance of 86.41 feet to the point of tangency of said curve; thence N.40°45'38"E., a distance of 298.99 feet to the point of curvature of a curve to the left having a radius of 30.00 feet and a central angle of 33°41'32"; thence northeasterly along the arc of said curve, an arc length of 17.64 feet to the point of tangency of said curve; thence N.07°04'07"E., a distance of 174.24 feet to the point of curvature of a curve to the left having a radius of 80.00 feet and a central angle of 27°39'30"; thence northerly along the arc of said curve, an arc length of 38.62 feet to the point of tangency of said curve; thence N.20°35'23"W., a distance of 166.34 feet to the point of curvature of a curve to the right having a radius of 70.00 feet and a central angle of 77°05'18"; thence northerly along the arc of said curve, an arc length of 94.18

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feet to the point of compound curvature of a curve to the right having a radius of 750.00 feet and a central angle of 07°46'18"; thence northeasterly along the arc of said curve, an arc length of 101.73 feet to the point of compound curvature of a curve to the right having a radius of 220.00 feet and a central angle of 88°47'03"; thence easterly along the arc of said curve, an arc length of 340.91 feet to the point of reverse curvature of a curve to the left having a radius of 130.00 feet and a central angle of 26°24'49"; thence southeasterly along the arc of said curve, a distance of 59.93 feet to the point of reverse curvature of a curve to the right having a radius of 120.00 feet and a central angle of 55°00'55"; thence southeasterly along the arc of said curve, a distance of 115.22 feet to the point of reverse curvature of a curve to the left having a radius of 130.00 feet and a central angle of 108°23'06"; thence southeasterly along the arc of said curve, a distance of 245.92 feet to the point of tangency of said curve; thence N.73°16'16"E., a distance of 141.48 feet to the point of curvature of a curve to the left having a radius of 70.00 feet and a central angle of 82°19'35"; thence northeasterly along the arc of said curve, an arc length of 100.58 feet to the point of reverse curvature of a curve to the right having a radius of 70.00 feet and a central angle of 68°01'53"; thence northeasterly along the arc of said curve, a distance of 83.12 feet to the point of reverse curvature of a curve to the left having a radius of 95.00 feet and a central angle of 60°36'52"; thence northeasterly along the arc of said curve, a distance of 100.50 feet to the point of tangency of said curve; thence S.01°38'19"E., a distance of 186.20 feet; thence N.88°23'11"E., a distance of 344.58 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.88°23'11"E., a radial distance of 115.00 feet; thence southeasterly along the arc of said curve, through a central angle of 105°16'41", an arc length of 211.31 feet to the point of reverse curvature of a curve to the right having a radius of 220.00 feet and a central angle of 81°21'02"; thence southeasterly along the arc of said curve, a distance of 312.36 feet to the point of tangency of said curve; thence S.25°32'28"E., a distance of 142.25 feet to the point of curvature of a curve to the left having a radius of 155.00 feet and a central angle of 127°49'24"; thence easterly along the arc of said curve, an arc length of 345.80 feet to the point of reverse curvature of a curve to the right having a radius of 145.00 feet and a central angle of 50°15'09"; thence northeasterly along the arc of said curve, a distance of 127.18 feet to the point of reverse curvature of a curve to the left having a radius of 130.00 feet and a central angle of 127°23'16"; thence northerly along the arc of said curve, a distance of 289.03 feet to the point of reverse curvature of a curve to the right having a radius of 30.00 feet and a central angle of 62°22'12"; thence northerly along the arc of said curve, a distance of 32.66 feet to the point of tangency of said curve; thence N.11°52'14"E., a distance of 47.37 feet; thence N.88°23'11"E., a distance of 424.82 feet to the point of curvature of a curve to the right having a radius of 500.00 feet and a central angle of 17°30'03"; thence easterly along the arc of said curve, an arc length of 152.72 feet to the point of reverse curvature of a curve to the left having a radius of 500.00 feet and a central angle of 15°22'06"; thence easterly along the arc of said curve, a distance of 134.11 feet to the point of reverse curvature of a curve to the right having a radius of 750.00 feet and a central angle of 31°38'30"; thence easterly along the arc of said curve, a distance of 414.19 feet to the point of reverse curvature of a curve to the left having a radius of 300.00 feet and a central angle of 64°53'57"; thence easterly along the arc of said curve, a distance of 339.81 feet to the point of tangency of said curve; thence N.57°15'40"E., a distance of 219.84 feet; thence S.37°15'24"E., a distance of 54.75 feet; thence S.19°56'50"E., a distance of 97.95 feet; thence S.24°32'50"E., a distance of 61.35 feet; thence S.22°56'33"E., a distance of 70.86 feet; thence S.31°12'58"E., a distance of 30.80 feet; thence S.17°19'12"E., a distance of 83.40 feet; thence S.12°40'53"E., a distance of 88.21 feet; thence S.11°11'41"E., a distance of 95.61 feet; thence S.20°13'54"E., a distance of 93.20 feet; thence S.08°13'38"E., a distance of 82.77 feet; thence S.23°07'39"W., a distance of 85.27 feet; thence S.36°11'08"W., a distance of 55.31 feet; thence S.33°40'31"W., a distance of 64.96 feet; thence S.24°59'05"W., a distance of 39.88 feet; thence S.01°57'16"E., a distance of 42.48 feet; thence S.41°44'47"E., a distance of 64.61 feet; thence S.66°37'53"E., a distance of 64.05 feet; thence N.89°47'09"E., a distance of 82.13 feet; thence S.85°44'48"E., a distance of 30.22 feet; thence S.45°05'19"E., a distance of 111.73 feet; thence S.14°16'58"E., a

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distance of 38.36 feet; thence N.45°20'10"E., a distance of 111.61 feet; thence S.22°34'25"E., a distance of 3,415.56 feet; thence S.51°30'06"E, a distance of 490.81 feet; thence S.53°36'44"E., a distance of 729.73 feet; thence S.65°24'21"E., a distance of 609.02 feet; thence S.75°50'22"W., a distance 1,245.78 feet to the point of curvature of a curve to the left having a radius of 2940.00 feet and a central angle of 31°21'44"; thence Westerly along the arc of said curve, an arc length of 1,609.28 feet to the point of tangency of said curve; thence N.72°47'54"W., a distance of 1,139.89 feet to the point of curvature of a curve to the right having a radius of 2,920.00 feet and a central angle of 30°55'19"; thence Westerly along the arc of said curve, an arc length of 1,575.89 feet to the point of tangency of said curve; thence S.76°16'47"W. a distance of 615.98 feet to the point of curvature of a curve to the left having a radius of 2610.00 feet and a central angle of 28°29'57"; thence Westerly along the arc of said curve, an arc length of 1,298.23 feet to the point of tangency of said curve; thence S.47°46'50"W. a distance of 466.55 feet to the point of curvature of a curve to the right having a radius of 1,940.00 feet and a central angle of 38°34'52"; thence Westerly along the arc of said curve, an arc length of 1,306.33 feet to the point of tangency of said curve; thence S.86°21'42"W., a distance of 275.61 feet to the point of curvature of a curve to the left having a radius of 1,690.00 feet and a central angle of 21°25'17"; thence Westerly along the arc of said curve, an arc length of 631.85 feet to a point of reverse curvature to the right having a radius of 2,720.00 feet and a central angle of 05°03'24"; thence Westerly along the arc of said curve, an arc length of 240.05 feet to the point of tangency of said curve; thence N.01°55'00"W., a distance of 1,474.17 feet; thence N.90°00'00"W., a distance of 738.63 feet; thence N.31°53'04"W., a distance of 662.62 feet; thence N.90°00'00"W., a distance of 1,359.34 feet; thence S.00°51'27"W., a distance of 24.95 feet to a point on the southerly line of said Section 27; thence S.89°57'56"W. along the southerly line of said Section 27, a distance of 120.02 feet to the southeast corner of Section 28; thence N.89°30'25"W. along the south line of said Section 28, a distance of 2,662.03 feet to the south 1/4 corner of said Section 28; thence N.00°45'47"E. along the west line of the east 1/2 of said Section 28, a distance of 1,236.76 feet; thence N.89°31'24"W. along a line 4,077.34 feet southerly of and parallel with the north line of said Section 28, a distance of 2,614.09 feet; thence S.00°40'06"W., a distance of 221.36 feet to the point of curvature of a curve to the left having a radius of 600.00 feet and a central angle of 73°58'28"; thence southeasterly along the arc of said curve, an arc length of 774.66 feet to the point of reverse curvature of a curve to the right having a radius of 550.00 feet and a central angle of 59°36'16"; thence southeasterly along the arc of said curve, a distance of 572.16 feet to the end of said curve; thence S.76°17'54"W., a distance of 33.84 feet to the northeast corner of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of the Public Records of Manatee County, Florida; the following 7 calls are along the North line of said Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles; thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.01°16'23"E., a radial distance of 58.00 feet; thence westerly along the arc of said curve, through a central angle of 24°50'30", an arc length of 25.15 feet to the point of tangency of said curve; thence N.26°06'53"W., a distance of 49.82 feet; thence S.72°30'29"W., a distance of 161.83 feet; thence N.17°29'31"W., a distance of 20.40 feet; thence S.72°30'29"W., a distance of 190.11 feet; thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records; thence S.90°00'00"W. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of the aforementioned Public Records, a distance of 2,269.90 feet; thence S.23°47'43"W. along the west line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said northerly line; thence N.60°40'54"W., a distance of 184.30 feet; thence N.36°55'37"W., a distance of 85.33 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of

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the aforementioned Public Records; the following 3 calls are along said easterly line; thence N.01°20'47"E., a distance of 240.50 feet; thence N.58°34'00"W., a distance of 423.22 feet; thence N.00°29'35"E., a distance of 166.41 feet to a point on the south line of Section 29; thence N.89°30'25"W. along said south line, a distance of 1,269.55 feet to the south 1/4 corner of the southwest 1/4 of said Section 29; thence N.00°29'12"E. along the east line of the west 1/2 of said southwest 1/4 of Section 29, a distance of 2,658.57 feet to the north 1/4 corner of said southwest 1/4 of Section 29; thence N.89°30'30"W. along the south line of the northwest 1/4 of said Section 29, a distance of 120.00 feet; thence S.00°29'12"W., a distance of 48.63 feet; thence N.89°30'48"W., a distance of 469.77 feet; thence N.61°13'40"W., a distance of 51.46 feet; thence S.85°03'09"W., a distance of 131.05 feet; thence S.33°11'55"W., a distance of 59.75 feet; thence N.46°13'24"W., a distance of 141.12 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.46°13'24"E., a radial distance of 295.00 feet; thence southwesterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the point of tangency of said curve; thence N.61°21'58"W., a distance of 186.34 feet; thence S.26°03'03"W., a distance of 41.16 feet; thence N.89°30'30"W., a distance of 211.38 feet; to a point on the west line of said section 29 thence N.00°22'41"E. along said west line, a distance of 2,656.57 feet to the southwest corner of section 20, thence N.00°35'50"E along the west line of said section 20., a distance of 5,298.78 feet to the POINT OF BEGINNING.

Said parcel contains 4,109.83 Acres, more or less.

Less and excepting the following parcel of land.

Commence at the Point "A"; thence S.89°21'15"E., a distance of 1,728.68 feet; thence S.00°39'03"W., a distance of 899.59 feet; thence N.89°20'57"W., a distance of 252.76 feet to the POINT OF BEGINNING; thence S.00°21'00"W., a distance of 290.63 feet; thence S.89°20'05"E., a distance of 488.16 feet; thence S.00°39'03"W., a distance of 1,207.55 feet to the point of curvature of a curve to the left having a radius of 499.89 feet and a central angle of 34°47'32"; thence southerly along the arc of said curve, an arc length of 303.55 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.36°29'56"W., a radial distance of 1,350.00 feet; thence westerly along the arc of said curve, through a central angle of 68°49'32", an arc length of 1,621.66 feet to the point of tangency of said curve; thence N.57°40'25"W., a distance of 88.97 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 90°00'00"; thence northerly along the arc of said curve, an arc length of 78.54 feet to the point of tangency of said curve; thence N.32°19'35"E., a distance of 30.16 feet to the point of curvature of a curve to the left having a radius of 2,735.00 feet and a central angle of 31°55'30"; thence northerly along the arc of said curve, an arc length of 1,523.93 feet to the point of tangency of said curve; thence N.00°24'05"E., a distance of 267.14 feet; thence S.89°20'57"E., a distance of 615.06 feet to the POINT OF BEGINNING.

Said parcel contains 54.10 acres, more or less.

Net Area is 4,055.73 Acres, more of less.

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SECTION 10. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 11. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not downzone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term down-zone shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 12. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 13. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 14. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 15. NOTICE OF RECORDING:

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The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 16. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 05-33 during the pendency of any appeal.

SECTION 17. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, and Ordinance 05-33 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this the 4th day of December, 2008, and as amended on 24th day of February 2009.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Dr. Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown

R.B. SHORE
Clerk of the Circuit Court

ATTEST: By: Susan Lo
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS MANATEE CO. FLA. SEAL

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EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

10/30/07

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)**	46,856 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, 2013)+	166,818 s.f. (Community Shopping)		1,406
IV (August 7, 2003 - 2017)+		Third Golf Course	1,766
TOTAL	213,674 s.f.		5,982*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991 acre tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

** Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer's compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

CORRECTIVE DOCUMENT

Exhibits A, B, C, E, & G are not attached but are on file at the Clerk of the Circuit Court.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

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 10th day of March, 2009.
R.B. SHORE
Clerk of Circuit Court
By: Diane E Vollmer D.C.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

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 26th day of February, 2009.
R.B. SHORE
Clerk of Circuit Court
By: Diane E Vollmer D.C.

#130

MANATEE COUNTY
FLORIDA

Certified Mail # 7000 0520 0015 6095 8228

January 22, 2009

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Cypress Banks DRI #17

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 08-69, the DRI Development Order for Cypress Banks DRI #17, as adopted in open session by the Manatee County Board of County Commissioners on December 4, 2008, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

RHP/br
Enlcosure

Planning Department
Mailing Address: P.O. Box 1000 * Street Address: 1112 Manatee Ave. W. 4th Floor, Bradenton, FL 34205
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org

LARRY BUSTLE * DR. GWENDOLYN Y. BROWN * JOHN R. CHAPPIE * RON GETMAN * DONNA G. HAYES * CAROL WHITMORE * JOE MCCLASH
District 1 *District 2* *District 3* *District 4* *District 5* *District 6* *District 7*

ORDINANCE 08-69

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER WHICH SUPERCEDES ORDINANCE 05-33; PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SCHROEDER MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP), FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

TO APPROVE A 380.06 NOTICE OF PROPOSED CHANGE TO THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT TO:

- **ADD 178.4 ACRES (EAST OF LORRAINE RD., NORTH OF CURRENT DRI BOUNDARY;**
- **REMOVE 1.5 ACRES;**
- **INCREASE RESIDENTIAL BY 110 ACRES;**
- **INCREASE OPEN SPACE BY 65.8 ACRES;**
- **INCREASE ROAD RIGHT-OF-WAY BY 1.1 ACRES;**
- **ADD 28 SINGLE-FAMILY UNITS;**
- **ADD 179 MULTI-FAMILY UNITS;**
- **MOVE COMMERCIAL ENTITLEMENTS FROM PHASE 3 TO PHASE 4;**
- **EXTEND THE BUILDOUT DATES FOR PHASES 3 AND 4;**
- **AMEND MAP H AND THE DEVELOPMENT ORDER TO REFLECT THE ABOVE REFERENCED CHANGES; AND**
- **PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.**

FILED FOR RECORD
R. B. SHORE
2008 DEC 17 PM 1:56
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

LOCATION: The Cypress Banks DRI is located approximately 2 miles east of I-75, south of S.R. 70 (4,055.7 acres).

SECTION 1.

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as Cypress Banks or the Development; and

WHEREAS, the land development project known as Cypress Banks, a legal description of which is provided below, lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments, and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ±0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, On March 28, 2000 the Board Of County Commissioners approved Ordinance 00-06 which added 374.1 acres, including an additional 75.9 acres of residential; 250.2 acres of open space, and 48 acres for right-of way and easements, added two access points onto State Road 70; amended Map H to reflect these changes; and

WHEREAS, on December 10, 2002 the Board of County Commissioners approved Ordinance 02-34 which added 432.1 acres, including 153.9 acres of residential acreage; 174.8 acres of open space, and 112.4 acres of recreational acreage, amended the internal roadway network, and amended Map H to reflect these changes; and

WHEREAS, on April 22, 2003, the Board of County Commissioners approved Ordinance 03-30 which added 290.0 acres, including175.3 acres of residential acreage; 95.3 acres of open space; and 15.4 acres of recreational, increased commercial land uses by 10,174 square feet, accelerated the start date of Phases II and IV, amended the internal roadway network; provided an effective date; and

WHEREAS, on June 21, 2005, the Board of County Commissioners approved Ordinance 05-33 adopting amendments to the Development Order for Cypress Banks to provide a change to the legal description for the addition of approximately 991.0 acres to the DRI to be distributed among the following land uses: 425.1 acres of residential (including 274 additional dwelling units); 248.0 acres of open space; and 222.7 acres of recreational; and

WHEREAS, the Developer now requests that the DRI for Cypress Banks be further amended to add an additional 178.4 acres to the DRI to be distributed among the following land uses: 110.0 acres of residential (including 207 additional dwelling units); 65.8 acres of open space; remove 1.5 acres of land from the project; move undeveloped commercial entitlements from Phase II to Phase III, and extend the buildout dates of Phases III and IV by three years; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 2. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #17, ORDINANCE 05-33.

Ordinance 05-33 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Cypress Banks Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Numbers 05-33, 03-30, 02-34, 00-06, and Resolution Numbers 99-25, 95-220, 89-161) shall be superceded by this Ordinance, provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 3. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing, hereby makes the following findings of fact:

A. WHEREAS all clauses preceding this section are adopted as findings of fact.

B. SMR Communities Joint Venture, A Florida General Partnership, hereinafter referred to as one of the Developers, previously submitted to Manatee County, Florida, an Application for Development Approval (ADA) and Sufficiency Responses which are marked Composite Exhibit A and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, Ordinance 05-33, and has also submitted the requested amendment identified as Ordinance 08-69. Hereinafter, the word Application shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, Ordinance 05-33, and the requested change Ordinance 08-69 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The Board of County Commissioners held a Public Hearing on October 2, 2008, regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land

F. The proposed amendment to Development of Regional Impact regarding the property described in Section 9 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 as amended, the 2020 Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Cypress Banks DRI is Todd Pokrywa, Vice President, Schroeder Manatee Ranch, Inc., 14400 Covenant Way, Bradenton, Florida 34202.

I. The owners of the property, which SMR Communities Joint Venture, A Florida General Partnership, and Wilmington Land Company intend to develop, are Schroeder-Manatee Ranch, Inc., Locust Valley Investments, L.L.C., and Arvida Corporate Park Associates as well as individual lot owners within areas which have been platted. The new acreage (178.4 acres) is currently owned by Schroeder Manatee Ranch, Inc.

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).

K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, and Ordinance 05-33 have been amended, replaced, and superceded in their entirety by this Ordinance.

L. The proposed changes filed by SMR Communities Joint Venture on October 30, 2007, as approved, are presumed to be a Substantial Deviation to the Cypress Banks DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in their report dated July 3, 2008, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.

SECTION 4. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated July 3, 2008, and as approved by said council on, July 14,

2008, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

D. The Developer has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC, dated 11/07, and approved pursuant to Ordinance No. 08-69 are Substantial Deviations.

SECTION 5. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	3,878.9	4,055.7	+176.9
COMMERCIAL SQUARE FOOTAGE (+10,174 sq. ft.)	213,674 sq. ft./ 29.7 acres	213,674 sq. ft./ 29.7 acres	0.0
RECREATIONAL (GOLF COURSES, PARKS, ANDMAINTENANCE FACILITY)	309.2	531.9	0.0
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	1,391.0	1,456.8	+65.8
NET RESIDENTIAL ACREAGE	1,698.8	1,808.8	+110.0
SINGLE FAMILY UNITS	4,884	4,912	+28
MULTI-FAMILY UNITS	891	1,070*	+179*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991 acre tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

PROPOSED LAND USES FOR THE ADDITIONAL 178.4 ACRES ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 08-69

Based on Florida Land Use, Cover, and Form Classification System - Level III

FLUCFCS CODE	LANDUSE	ACREAGE	% OF SITE
242	Sod Farms	134.3	75.3
260	Other Open Lands	36.8	20.6
321	Rangeland/Shrub & Brushland	3.4	1.9
414	Pine- Mesic Oak	0.8	0.5
524	Lakes Less Than 10 Acres	2.0	1.1
640	Vegetated Non-Forested Wetland	1.1	0.6
Total		178.4	100

SECTION 6. DEFINITIONS:
Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as Map H which is attached to this Ordinance as Exhibit "F" (revised May 2008) and which replaces the previous Map H (revised 6/21/05) Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the Master Development Plan* and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process or construction plan approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant

to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised, May 2008) as set forth on Exhibit F hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 213,674 square feet of commercial 5,982 residential units, and 531.9 acres for golf courses and parks.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and Exhibit C , to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service D Peak Hour. This area is generally depicted on Map J (Exhibit B) which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2017)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64
9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

Lorraine Road between SR 70 and University Parkway

SECTION 7. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in Exhibit D (revised 11/07), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 08-63. Preliminary Deve lopment Plan* applications for Phases 2, 3, and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in Exhibit D (revised 10/30/07). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised

and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in Exhibit D (revised 10/30/07), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in Exhibit D (revised 10/30/07).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval, pursuant to the Manatee County Land Development Code (LDC) **(Completed for the first 5,982, units and 213,674 square feet of commercial which are Phases I, II, and III.).** Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee

County) or greater than the Service Volume as defined by the 2000 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J (Exhibit B). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in Exhibit D (revised 10/30/07).

C.(3) Approval of each Preliminary Development Plan* **(Completed for Phase I through IV)** shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County s inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land Development Code (Ordinance 90-01), as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's * request that Relocated US-301 improvements as originally noted in Exhibit C , be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated US-301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median to discourage unsafe cross-traffic movements between these two commercial

parcels. **(Completed)**

C.(8) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. **(Completed)**

C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2), 335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Planning Department (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review **(Completed for the approved 3,877.3 acres only, not the additional 178.4 acre parcel, added to the DRI with Ordinance 08-69)** and shall provide one (1) year of pre-construction base-line data acceptable to the Planning Department or their successors) **(Completed for the approved 3,877.3 acres only, not the additional 178.4 acre parcel added to the DRI with Ordinance 08-69).** Construction monitoring shall be initiated at the beginning of construction and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-302, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 432.1 acre parcel added to the DRI with Ordinance 02-34 **(Completed)** and the additional 290.9 acre parcel added to the DRI with Ordinance 03-30 **(Completed)**, and the additional 991.0 acre

parcel added to the DRI with Ordinance 05-33, prior to commencement of any construction on this parcel. The County s Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

For the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33. EMD and FDEP shall review the applicant's one year of data from the Ambient Surface Water Monitoring Program to determine if ongoing surface water quality monitoring will be required. In addition, a waterbody (Braden River AB Ward L 1914) within this project's boundary has been identified as impaired by Chapter 62-303 F.A.C. and will be subject to a Total Maximum Daily Load (TMDL). TMDL's define the amount of a pollutant that can exist in a waterbody and still meet its designated use. Waterbodies identified as impaired exceed the TMDL for one or more pollutants. Local stakeholders (e.g. Developer or homeowner's associations) will be responsible for reducing the amount of pollutants that enter an impaired system that falls within their jurisdiction. Pollutant reductions will be shown through the development and participation in Basin Management Action Plans (BMAP). The Developer shall participate in any BMAP that is developed for a sub-basin located partially or wholly within the project's boundary. Furthermore, any responsibility that the Developer takes on under the scope of a BMAP shall be passed on to future responsible parties within the development (e.g. homeowners' associations) for the additional 991.0 acre parcel added to the DRI with Ordinance 05-33.

Groundwater quality monitoring shall be required for the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33 through build-out of the project. The ongoing groundwater monitoring will be performed in accordance with EMD's Groundwater Monitoring Requirements and FDEP's Environmental Monitoring Plan (EMP) guidance documents, both contained in the Cypress Banks DRI/East Sector NOPC Site Environmental Monitoring Plan approved by EMD on December 17, 2004. A proposal for ongoing groundwater monitoring will be submitted to EMD and FDEP, along with the applicant's one year of data from the Ambient (baseline) Groundwater Monitoring Program for evaluation and approval, prior to commencement of an ongoing groundwater monitoring program.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC s) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed)**.

D.(3) In the event that any species listed in Rule 68A-27.003, Rule 68A-27.005, or Rule, 68A-27.004 Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be

employed in cooperation with the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.).

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1-acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities **(Completed)**.

A mesic hammock (9.3 acres) for the 374.1 acre parcel added to the DRI with Ordinance 00-06, as shown on revised Map H dated April 22, 2003 shall be preserved as habitat for the Sherman s Fox Squirrel **(Completed)**.

D.(4) All wetlands within the site are considered jurisdictional and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted. The only wetland impact permitted with the 432.1 acres added with the adoption of Ordinance 02-34, shall be the roadway crossing shown on Map H, and allow for piling supported structures for golf cart paths, in accordance with Section 719 of the LDC. Such structures shall be located as to minimize impacts to desirable vegetation. None of the 2.2 acre wetland on the 290.9 acre parcel added to the DRI with the adoption of Ordinance 03-30 shall be impacted. Of the 78.3 wetland acres, 1.59 acres will be impacted on the 991.0 acre parcel added to the DRI with the adoption of Ordinance 05-33. The impact shall be limited to 1.52 acres within wetland SE-W71 to allow a roadway crossing, residential uses, and a stormwater management system, 0.04 acres within SE-W46 to allow a roadway crossing, and 0.03 acres within wetland SE-W100 to allow an elevated golf cart path. This shall be reviewed and approved by the Planning Department prior to Final Site Plan approval.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on Exhibit E (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 4/22/03), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered

to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures or non single-family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

D.(15) The 326.1-acre addition (a.k.a. Taylor Ranch) of land added to the DRI with Ordinance 02-34, shall be subject to the following:

A. Upland preservation shall be provided by increasing the wetland buffer approximately twenty feet beyond the 30 foot (30') wetland buffer required by the Manatee County Land Development Code. Upland preservation areas shall be delineated on the Final Site Plan.

B. Prior to commencement of construction within fifteen hundred feet (1500) of the eagle nest, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).

C. A permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to approval of the Erosion and Sediment Control Plan.

D.(16) Prior to Final Site Plan approval for any area containing existing wells, a Well Management Plan shall be submitted for the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33_for review and approval by Manatee County. The Well Management Plan should include Water Use Permits, approved by SWFWMD, modified for the proposed use and details on how wells will be protected during construction activities.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental

Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **(Completed for Phase I)**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each

applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning and Environmental Management Departments (EMD) (or their successors) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-302, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee s Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the

Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 62.302 , F.A.C. or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. Watt-wise Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;
b. Cross-ventilation;
c. Window orientation for the most efficient heating and cooling systems;
d. Solar heating and cooling systems; and
e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit A attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches, and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in

accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County s Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase **I (Completed)**.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR Communities Joint Venture, A Florida General Partnership, its successors, assigns or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22, 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually

conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government s compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, significant development shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2017.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty-foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

H.(21) The Developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road, as identified on the General Development Plan dated April 22, 2003. Prior to dedication, the Developer shall construct those improvements which are indicated as "Developer Improvements" on that plan prepared by Wilson Miller, Inc., dated April 22, 2003 and attached hereto as Exhibit G. Manatee County shall identify the park as a planned project within the park capital improvement plan as a condition precedent to the Developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Park and Recreation system. If the dedication and construction by Developer* meet this condition it shall be eligible for impact fee credits from the parks and recreation component. **(Completed).**

H. (22) The developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road and directly north of The Masters Avenue extension, as identified on the General Development Plan dated June 21, 2005 {Z-86-30(R14)}. Prior to dedication, the developer shall construct improvements as agreed upon between the developer and Manatee County Parks and Recreation Department. Manatee County shall be responsible for any additional improvements. The developer improvements shall be constructed using design and materials consistent with similar park facilities in other Manatee County parks. Manatee County shall identify the park as a planned project within the parks and recreation level of service standards contained in the Comprehensive Plan as a condition precedent to the developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Parks and Recreation system. If the dedication and construction by developer meets this condition, it shall be eligible for impact fee credits from the parks and recreation component.

SECTION 8. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (*Application for Development Approval [ADA], pg. 7*)

2. The proposed uses for the property include residential, open space, a golf course and club house and a park *(NOPC Application/Page 4)*.

3. The breakdown of the 991.0-acre addition is as follows: 425.1 acres - residential, 248.0 acres - "other open space," 95.2 acres road right-of-way and easements, and 222.7 acres - recreation *(NOPC Application/Page 7)*.

4. Lorraine Road will be added to the list of impacted transportation facilities identified within the Development Order *(*Ordinance 03-30*)*.

5. The acreage expansion is adding five new access points. Two of the access points will be located on The Masters Avenue extension. Two are inter-neighborhood connections, and the fifth access point will be at Lorraine Road, approximately 1.3 miles south of SR 70.

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (*ADA, pg. 17*)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded, or mulched. (*ADA, pg. 18*)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (*ADA, pgs. 19 and 21)*

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.

- control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
- control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
- sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
- preserve natural land cover by selective clearing of the site.
- utilize water spray trucks in heavy construction traffic areas.
- design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
- preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (*ADA, pp. 21-22*).

3. The developer will apply the existing Development Order Conditions pertaining to wind and water soil erosion to the additional acreage *(ADA Responses/Page 15-2).*

4. Erosion problems will be mitigated for by the addition of energy attenuators (spreader swales, rip-rap or bubbler boxes) at future and temporary discharge points *(ADA Responses/Page 19-2).*

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-302 and Rule 62-4.242 (*ADA, pg. 42*)

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (*ADA, pg. 43*)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural fringe-area adjacent to the Braden River and three of the largest streams on-site, directly into the contiguous stream. (*ADA, pg. 45*)

4. The planned use for the four existing water wells located within the 991.0-acre parcel is a secondary supplement for non-potable surface water irrigation system administered by the Braden River Utilities ((ADA Responses/Page 17).

5. Water used for irrigation will come from non-potable water sources including stormwater and surface water (Additional Information/Pages 6 & 10).

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwater will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

8. The jurisdictional ditch will be relocated within the same commercial parcel but further south to preserve the water quality and quantity functions of the system (Ordinance 03-30)

9. The majority of wetlands on site will be preserved. This extensive preservation along with the observation of the 50-foot wide buffers will minimize adverse impacts to the existing wetland dependent species' habitat.(ADA Responses/Pages 12-12)

10. An average-width 50-foot wetland buffer will be observed around all on-site wetland areas. A minimum 30 foot buffer is required around all isolated wetlands in accordance with Manatee County Development Code (ADA Responses/Pages 13-1 & 13-2).

11. Three wetland sites, 1.59 acres of the 78.3 total wetland acres within the 991.0 acre to be added to the DRI will be disturbed.(ADA Responses/Page 13-3).

Floodplains

1. The main Zephyr lily and brown ladies tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

4. The 991.0 acres added to the DRI is located outside of the 100-year floodplain. (*ADA Responses/Page 16-1).*

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

1. There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. The developer controls the preserved marsh area outside of the DRI and plans to preserve this area *(Additional Information/Page 6).*

2. There will be a golf course, golf club house, and a 15-acre park within the 991.0 acres to be added to the DRI with Ordinance 05-33. *(Substantial Deviation Application/Page 4).*

SECTION 9. LEGAL DESCRIPTION OF CYPRESS BANKS

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

A parcel of land lying in Sections 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:
Begin at the northwest corner of said Section 20, said section corner also being the common corner of Sections 17, 18, and 19; thence N.00°34'52"E. along the west line of said Section 17, a distance of 140.67 feet to a point on the southerly right-of-way of State Road 70; the following 9 calls are along said southerly right-of-way of State Road 70; thence S.70°26'04"E., a distance of 373.46 feet to the point of curvature of a curve to the left having a radius of 2,041.86 feet and a central angle of 18°21'30"; thence easterly along the arc of said curve, an arc length of 654.24 feet to the point of tangency of said curve; thence S.88°47'34"E., a distance of 4,362.42 feet; thence S.89°43'34"E., a distance of 1,575.96 feet; thence S.89°42'03"E., a distance of 2,821.50 feet; thence S.89°19'57"E., a distance of 1,464.40 feet to Point "A"; thence S.89°21'15"E., a distance of 3,754.54 feet to the point of curvature of a curve to the right having a radius of 1,777.86 feet and a central angle of 34°24'33"; thence easterly along the arc of said curve, an arc length of 1,067.70 feet to the point of tangency of said curve; thence S.54°56'41"E., a distance of 821.49 feet; thence departing said southerly right-of-way of State Road 70; S.37°00'30"W., a distance of 306.68 feet; thence S.11°59'28"W., a distance of 271.56 feet; thence S.38°13'49"E., a distance of 139.09 feet; thence S.08°47'40"W., a distance of 153.43 feet; thence S.49°56'25"W., a distance of 228.41 feet; thence N.50°07'45"W., a distance of 125.37 feet; thence N.26°43'33"E., a distance of 224.96 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 88°54'40"; thence northerly along the arc of said curve, an arc length of 155.18 feet to the point of tangency of said curve; thence N.62°11'08"W., a distance of 197.43 feet; thence S.61°14'22"W., a distance of 113.08 feet; thence S.24°22'30"W., a distance of 201.08 feet; thence S.00°06'50"W., a distance of 135.65 feet; thence S.50°25'21"E., a distance of 348.47 feet; thence S.35°53'49"W., a distance of 417.52 feet; thence N.56°57'53"W., a distance of 139.47 feet; thence N.83°51'29"W., a distance of 332.08 feet; thence S.32°20'46"W., a distance of 368.15 feet; thence S.15°20'53"W., a distance of 147.34 feet; thence S.53°47'33"W., a distance of 231.66 feet; thence S.76°15'16"W., a distance of 235.33 feet; thence S.46°31'18"W., a distance of 195.52 feet; thence S.33°58'26"W., a distance of 687.37 feet; thence S.37°35'20"W., a distance of 294.52 feet; thence S.52°24'58"W., a distance of 284.05 feet; thence S.75°39'49"W., a distance of 461.38 feet; thence S.74°49'49"W., a distance of 163.40 feet; thence S.63°21'56"W., a distance of 148.94 feet; thence S.44°11'27"W., a distance of 241.21 feet; thence S.63°21'55"W., a distance of 439.23 feet; thence S.81°03'05"W., a distance of 234.09 feet; thence S.57°35'22"W., a distance of 178.26 feet; thence S.69°59'29"W., a distance of 317.24 feet; thence S.80°03'53"W., a distance of 275.24 feet; thence N.81°49'22"W., a distance of 263.52 feet; thence N.67°11'02"W., a distance of 629.23 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.82°00'55"E., a radial distance of 2,880.00 feet; thence southerly along the arc of said curve, through a central angle of 07°28'45", an arc length of 375.94 feet to the point of tangency of said curve; thence S.00°30'20"W., a distance of 354.96 feet; thence S.00°51'27"W. along a line 120 feet easterly of and parallel with the west line of Section 27, a distance of 1,043.22 feet; thence

departing said parallel line, thence S.89°37'46"E., a distance of 240.68 feet; thence S.40°36'26"E., a distance of 257.70 feet; thence S.81°04'26"E., a distance of 540.66 feet; thence S.49°05'50"E., a distance of 215.16 feet; thence N.40°54'10"E., a distance of 462.14 feet to a point on the southerly line of premises described in Official Record Book 2221, Page 4411 of said Public Records; the following nine (9) calls are along said southerly line; thence S.49°05'50"E., a distance of 42.50 feet; thence N.40°54'10"E., a distance of 111.31 feet to the point of curvature of a curve to the right having a radius of 287.50 feet and a central angle of 50°15'44"; thence northeasterly along the arc of said curve, an arc length of 252.21 feet to the point of reverse curvature of a curve to the left having a radius of 212.50 feet and a central angle of 44°56'31"; thence easterly along the arc of said curve, a distance of 166.68 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.43°47'04"E., a radial distance of 32.50 feet; thence northeasterly along the arc of said curve, through a central angle of 37°05'48", an arc length of 21.04 feet to the point of reverse curvature of a curve to the left having a radius of 352.50 feet and a central angle of 09°54'31"; thence easterly along the arc of said curve, a distance of 60.96 feet to the point of reverse curvature of a curve to the right having a radius of 254.50 feet and a central angle of 31°21'08"; thence easterly along the arc of said curve, a distance of 139.26 feet to the point of compound curvature of a curve to the right having a radius of 32.50 feet and a central angle of 17°15'45"; thence southeasterly along the arc of said curve, an arc length of 9.79 feet to the point of tangency of said curve; thence S.56°24'12"E., a distance of 287.20 feet to a point on the westerly line of premises described in Official Record Book 2221, Page 4402 of said Public Records; thence S.17°18'27"E., along said westerly line, a distance of 464.78 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.72°51'33"E., a radial distance of 1,304.68 feet; thence southeasterly along the arc of said curve, through a central angle of 46°09'43", an arc length of 1,051.15 feet; thence N.40°54'10"E., a distance of 411.03 feet; thence N.69°00'00"E., a distance of 414.64 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 93°51'32"; thence southeasterly along the arc of said curve, an arc length of 532.40 feet to the point of tangency of said curve; thence S.17°08'28"E., a distance of 477.41 feet to the point of curvature of a curve to the left having a radius of 1,304.68 feet and a central angle of 46°09'43"; thence southeasterly along the arc of said curve, an arc length of 1,051.15 feet to the point of compound curvature of a curve to the left having a radius of 300.00 feet and a central angle of 27°41'00"; thence easterly along the arc of said curve, an arc length of 144.95 feet to the point of reverse curvature of a curve to the right having a radius of 300.00 feet and a central angle of 33°34'45"; thence easterly along the arc of said curve, a distance of 175.82 feet to the point of reverse curvature of a curve to the left having a radius of 500.00 feet and a central angle of 14°40'42"; thence southeasterly along the arc of said curve, a distance of 128.09 feet; thence N.39°42'17"E., a distance of 1,366.14 feet; thence N.71°15'17"E., a distance of 132.13 feet to the point of curvature of a curve to the right having a radius of 265.00 feet and a central angle of 28°19'05"; thence easterly along the arc of said curve, an arc length of 130.97 feet to the point of reverse curvature of a curve to the left having a radius of 155.00 feet and a central angle of 30°13'47"; thence easterly along the arc of said curve, a distance of 81.78 feet to the point of reverse curvature of a curve to the right having a radius of 270.00 feet and a central angle of 23°31'53"; thence easterly along the arc of said curve, a distance of 110.89 feet to the point of reverse curvature of a curve to the left having a radius of 95.00 feet and a central angle of 52°06'49"; thence northeasterly along the arc of said curve, a distance of 86.41 feet to the point of tangency of said curve; thence N.40°45'38"E., a distance of 298.99 feet to the point of curvature of a curve to the left having a radius of 30.00 feet and a central angle of 33°41'32"; thence northeasterly along the arc of said curve, an arc length of 17.64 feet to the point of tangency of said curve; thence N.07°04'07"E., a distance of 174.24 feet to the point of curvature of a curve to the left having a radius of 80.00 feet and a central angle of 27°39'30"; thence northerly along the arc of said curve, an arc length of 38.62 feet to the point of tangency of said curve; thence N.20°35'23"W., a distance of 166.34 feet to the point of curvature of a curve to the right having a radius of 70.00 feet and a central angle of 77°05'18"; thence northerly along the arc of said curve, an arc length of 94.18

feet to the point of compound curvature of a curve to the right having a radius of 750.00 feet and a central angle of 07°46'18"; thence northeasterly along the arc of said curve, an arc length of 101.73 feet to the point of compound curvature of a curve to the right having a radius of 220.00 feet and a central angle of 88°47'03"; thence easterly along the arc of said curve, an arc length of 340.91 feet to the point of reverse curvature of a curve to the left having a radius of 130.00 feet and a central angle of 26°24'49"; thence southeasterly along the arc of said curve, a distance of 59.93 feet to the point of reverse curvature of a curve to the right having a radius of 120.00 feet and a central angle of 55°00'55"; thence southeasterly along the arc of said curve, a distance of 115.22 feet to the point of reverse curvature of a curve to the left having a radius of 130.00 feet and a central angle of 108°23'06"; thence southeasterly along the arc of said curve, a distance of 245.92 feet to the point of tangency of said curve; thence N.73°16'16"E., a distance of 141.48 feet to the point of curvature of a curve to the left having a radius of 70.00 feet and a central angle of 82°19'35"; thence northeasterly along the arc of said curve, an arc length of 100.58 feet to the point of reverse curvature of a curve to the right having a radius of 70.00 feet and a central angle of 68°01'53"; thence northeasterly along the arc of said curve, a distance of 83.12 feet to the point of reverse curvature of a curve to the left having a radius of 95.00 feet and a central angle of 60°36'52"; thence northeasterly along the arc of said curve, a distance of 100.50 feet to the point of tangency of said curve; thence S.01°38'19"E., a distance of 186.20 feet; thence N.88°23'11"E., a distance of 344.58 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.88°23'11"E., a radial distance of 115.00 feet; thence southeasterly along the arc of said curve, through a central angle of 105°16'41", an arc length of 211.31 feet to the point of reverse curvature of a curve to the right having a radius of 220.00 feet and a central angle of 81°21'02"; thence southeasterly along the arc of said curve, a distance of 312.36 feet to the point of tangency of said curve; thence S.25°32'28"E., a distance of 142.25 feet to the point of curvature of a curve to the left having a radius of 155.00 feet and a central angle of 127°49'24"; thence easterly along the arc of said curve,an arc length of 345.80 feet to the point of reverse curvature of a curve to the right having a radius of 145.00 feet and a central angle of 50°15'09"; thence northeasterly along the arc of said curve, a distance of 127.18 feet to the point of reverse curvature of a curve to the left having a radius of 130.00 feet and a central angle of 127°23'16"; thence northerly along the arc of said curve, a distance of 289.03 feet to the point of reverse curvature of a curve to the right having a radius of 30.00 feet and a central angle of 62°22'12"; thence northerly along the arc of said curve, a distance of 32.66 feet to the point of tangency of said curve; thence N.11°52'14"E., a distance of 47.37 feet; thence N.88°23'11"E., a distance of 424.82 feet to the point of curvature of a curve to the right having a radius of 500.00 feet and a central angle of 17°30'03"; thence easterly along the arc of said curve, an arc length of 152.72 feet to the point of reverse curvature of a curve to the left having a radius of 500.00 feet and a central angle of 15°22'06"; thence easterly along the arc of said curve, a distance of 134.11 feet to the point of reverse curvature of a curve to the right having a radius of 750.00 feet and a central angle of 31°38'30"; thence easterly along the arc of said curve, a distance of 414.19 feet to the point of reverse curvature of a curve to the left having a radius of 300.00 feet and a central angle of 64°53'57"; thence easterly along the arc of said curve, a distance of 339.81 feet to the point of tangency of said curve; thence N.57°15'40"E., a distance of 219.84 feet; thence S.37°15'24"E., a distance of 54.75 feet; thence S.19°56'50"E., a distance of 97.95 feet; thence S.24°32'50"E., a distance of 61.35 feet; thence S.22°56'33"E., a distance of 70.86 feet; thence S.31°12'58"E., a distance of 30.80 feet; thence S.17°19'12"E., a distance of 83.40 feet; thence S.12°40'53"E., a distance of 88.21 feet; thence S.11°11'41"E., a distance of 95.61 feet; thence S.20°13'54"E., a distance of 93.20 feet; thence S.08°13'38"E., a distance of 82.77 feet; thence S.23°07'39"W., a distance of 85.27 feet; thence S.36°11'08"W., a distance of 55.31 feet; thence S.33°40'31"W., a distance of 64.96 feet; thence S.24°59'05"W., a distance of 39.88 feet; thence S.01°57'16"E., a distance of 42.48 feet; thence S.41°44'47"E., a distance of 64.61 feet; thence S.66°37'53"E., a distance of 64.05 feet; thence N.89°47'09"E., a distance of 82.13 feet; thence S.85°44'48"E., a distance of 30.22 feet; thence S.45°05'19"E., a distance of 111.73 feet; thence S.14°16'58"E., a

distance of 38.36 feet; thence N.45°20'10"E., a distance of 111.61 feet; thence S.22°34'25"E., a distance of 3,415.56 feet; thence S.51°30'06"E, a distance of 490.81 feet; thence S.53°36'44"E., a distance of 729.73 feet; thence S.65°24'21"E., a distance of 609.02 feet; thence S.75°50'22"W., a distance 1,245.78 feet to the point of curvature of a curve to the left having a radius of 2940.00 feet and a central angle of 31°21'44"; thence Westerly along the arc of said curve, an arc length of 1,609.28 feet to the point of tangency of said curve; thence N.72°47'54"W., a distance of 1,139.89 feet to the point of curvature of a curve to the right having a radius of 2,920.00 feet and a central angle of 30°55'19"; thence Westerly along the arc of said curve, an arc length of 1,575.89 feet to the point of tangency of said curve; thence S.76°16'47"W. a distance of 615.98 feet to the point of curvature of a curve to the left having a radius of 2610.00 feet and a central angle of 28°29'57"; thence Westerly along the arc of said curve, an arc length of 1,298.23 feet to the point of tangency of said curve; thence S.47°46'50"W. a distance of 466.55 feet to the point of curvature of a curve to the right having a radius of 1,940.00 feet and a central angle of 38°34'52"; thence Westerly along the arc of said curve, an arc length of 1,306.33 feet to the point of tangency of said curve; thence S.86°21'42"W., a distance of 275.61 feet to the point of curvature of a curve to the left having a radius of 1,690.00 feet and a central angle of 21°25'17"; thence Westerly along the arc of said curve, an arc length of 631.85 feet to a point of reverse curvature to the right having a radius of 2,720.00 feet and a central angle of 05°03'24"; thence Westerly along the arc of said curve, an arc length of 240.05 feet to the point of tangency of said curve; thence N.01°55'00"W., a distance of 1,474.17 feet; thence N.90°00'00"W., a distance of 738.63 feet; thence N.31°53'04"W., a distance of 662.62 feet; thence N.90°00'00"W., a distance of 1,359.34 feet; thence S.00°51'27"W., a distance of 24.95 feet to a point on the southerly line of said Section 27; thence S.89°57'56"W. along the southerly line of said Section 27, a distance of 120.02 feet to the southeast corner of Section 28; thence N.89°30'25"W. along the south line of said Section 28, a distance of 2,662.03 feet to the south 1/4 corner of said Section 28; thence N.00°45'47"E. along the west line of the east 1/2 of said Section 28, a distance of 1,236.76 feet; thence N.89°31'24"W. along a line 4,077.34 feet southerly of and parallel with the north line of said Section 28, a distance of 2,614.09 feet; thence S.00°40'06"W., a distance of 221.36 feet to the point of curvature of a curve to the left having a radius of 600.00 feet and a central angle of 73°58'28"; thence southeasterly along the arc of said curve, an arc length of 774.66 feet to the point of reverse curvature of a curve to the right having a radius of 550.00 feet and a central angle of 59°36'16"; thence southeasterly along the arc of said curve, a distance of 572.16 feet to the end of said curve; thence S.76°17'54"W., a distance of 33.84 feet to the northeast corner of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of the Public Records of Manatee County, Florida; the following 7 calls are along the North line of said Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles; thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.01°16'23"E., a radial distance of 58.00 feet; thence westerly along the arc of said curve, through a central angle of 24°50'30", an arc length of 25.15 feetto the point of tangency of said curve; thence N.26°06'53"W., a distance of 49.82 feet; thence S.72°30'29"W., a distance of 161.83 feet; thence N.17°29'31"W., a distance of 20.40 feet; thence S.72°30'29"W., a distance of 190.11 feet; thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records; thence S.90°00'00"W. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of the aforementioned Public Records, a distance of 2,269.90 feet; thence S.23°47'43"W. along the west line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said northerly line; thence N.60°40'54"W., a distance of 184.30 feet; thence N.36°55'37"W., a distance of 85.33 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of

the aforementioned Public Records; the following 3 calls are along said easterly line; thence N.01°20'47"E., a distance of 240.50 feet; thence N.58°34'00"W., a distance of 423.22 feet; thence N.00°29'35"E., a distance of 166.41 feet to a point on the south line of Section 29; thence N.89°30'25"W. along said south line, a distance of 1,269.55 feet to the south 1/4 corner of the southwest 1/4 of said Section 29; thence N.00°29'12"E. along the east line of the west 1/2 of said southwest 1/4 of Section 29, a distance of 2,658.57 feet to the north 1/4 corner of said southwest 1/4 of Section 29; thence N.89°30'30"W. along the south line of the northwest 1/4 of said Section 29, a distance of 120.00 feet; thence S.00°29'12"W., a distance of 48.63 feet; thence N.89°30'48"W., a distance of 469.77 feet; thence N.61°13'40"W., a distance of 51.46 feet; thence S.85°03'09"W., a distance of 131.05 feet; thence S.33°11'55"W., a distance of 59.75 feet; thence N.46°13'24"W., a distance of 141.12 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.46°13'24"E., a radial distance of 295.00 feet; thence southwesterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the point of tangency of said curve; thence N.61°21'58"W., a distance of 186.34 feet; thence S.26°03'03"W., a distance of 41.16 feet; thence N.89°30'30"W., a distance of 211.38 feet; to a point on the west line of said section 29 thence N.00°22'41"E. along said west line, a distance of 2,656.57 feet to the southwest corner of section 20, thence N.00°35'50"E along the west line of said section 20., a distance of 5,298.78 feet to the POINT OF BEGINNING.

Said parcel contains 4,109.83 Acres, more or less.

Less and excepting the following parcel of land.

Commence at the Point "A"; thence S.89°21'15"E., a distance of 1,728.68 feet; thence S.00°39'03"W., a distance of 899.59 feet; thence N.89°20'57"W., a distance of 252.76 feet to the POINT OF BEGINNING; thence S.00°21'00"W., a distance of 290.63 feet; thence S.89°20'05"E., a distance of 488.16 feet; thence S.00°39'03"W., a distance of 1,207.55 feet to the point of curvature of a curve to the left having a radius of 499.89 feet and a central angle of 34°47'32"; thence southerly along the arc of said curve, an arc length of 303.55 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.36°29'56"W., a radial distance of 1,350.00 feet; thence westerly along the arc of said curve, through a central angle of 68°49'32", an arc length of 1,621.66 feet to the point of tangency of said curve; thence N.57°40'25"W., a distance of 88.97 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 90°00'00"; thence northerly along the arc of said curve, an arc length of 78.54 feet to the point of tangency of said curve; thence N.32°19'35"E., a distance of 30.16 feet to the point of curvature of a curve to the left having a radius of 2,735.00 feet and a central angle of 31°55'30"; thence northerly along the arc of said curve, an arc length of 1,523.93 feet to the point of tangency of said curve; thence N.00°24'05"E., a distance of 267.14 feet; thence S.89°20'57"E., a distance of 615.06 feet to the POINT OF BEGINNING.

Said parcel contains 54.10 acres, more or less.

Net Area is 4,055.73 Acres, more of less.

SECTION 10. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 11. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not downzone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term down-zone shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 12. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 13. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 14. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 15. NOTICE OF RECORDING:

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 16. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 05-33 during the pendency of any appeal.

SECTION 17. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, and Ordinance 05-33 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this the 4th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Dr. Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown

R.B. SHORE
Clerk of the Circuit Court

ATTEST: By: Susan Romano
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

10/30/07

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)**	46,856 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, 2013)+	166,818 s.f. (Community Shopping)		1,406
IV (August 7, 2003 - 2017)+		Third Golf Course	1,919
TOTAL	213,674 s.f.		5,982*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991 acre tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

** Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer's compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

Exhibits A, B, C, E, & G are not attached but are on file at the Clerk of the Circuit Court.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

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 10th day of December 20 08
R.B. SHORE
Clerk of Circuit Court
By: Debi Lessner D.C.

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

RECORD
R. B. SHORE
2008 DEC 17 PM 1:56
CLERK ... COURT
... FLORIDA

December 12, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-69 and Z-86-30 (R-15), which were filed in this office on December 11, 2008.

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

Sincerely,

Liz Cloud

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

RECEIVED

JAN 26 2009

Tampa Bay Regional
Planning Council

BOARD OF COUNTY COMMISSIONERS
SEAL
MANATEE CO., FLA.

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 6th day of January, 2009

R.B. SHORE
Clerk of Circuit Court

By: Vicki Lessner, D.C.

#130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

December 18, 2007

Todd Pokrywa
Schroeder Manatee Ranch, Inc.
14400 Covenant Way
Bradenton, FL 34202

Re: Cypress Banks DRI – Extension of phase, buildout, and expiration dates

Dear Mr. Pokrywa:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all , buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Cypress Banks DRI was under active construction on July 1st.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Cypress Banks DRI are set forth below:

Manatee County Ordinance 05-33 is now amended to read as follows:

GENERAL CONDITIONS

H.(18) This Development Order shall expire on August 7, ~~2014~~ 2017.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

June 21, 2005

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999*** - 2005)	203,500 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, ~~2010~~ 2013)	10,174 sq. ft. (Community Shopping)		1,406
IV (August 7, 2003 - ~~2014~~ 2017)		Third Golf Course	1,559
TOTAL	213,674 s.f.		5,775

** Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer s compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

Please contact me should you have any questions regarding the above information.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

#130

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection";* and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS. The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

R-07-180

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES. Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

SECTION 3. DIRECTION TO PLANNING DIRECTOR. The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

SECTION 4. INCORPORATION INTO BOARD APPROVALS. For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

SECTION 5. EFFECT OF RESOLUTION. This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Chairman of the Board of County Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: _____
Deputy Clerk

46

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Resolution No. R-07-180. Statutory extension of DRI phasing, buildout, and expiration dates	TYPE AGENDA ITEM	Consent
DATE REQUESTED	October 9, 2007	DATE SUBMITTED/REVISED	October 1, 2007
BRIEFINGS? Who?	None Required	CONSEQUENCES IF DEFERRED	Delay in notification to applicants and interested parties
DEPARTMENT/DIVISION	Planning/Community Planning	AUTHORIZED BY TITLE	Carol B. Clarke, AICP, Planning Director CBC
CONTACT PERSON TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833	PRESENTER/TITLE TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Manatee County Resolution R-07-180 authorizing the Planning Director to review DRI Development Orders and related approvals and to provide written notice to applicants of the extensions authorized by Section 380.06(19)(c), Florida Statutes

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- Chapter 380.06 Florida Statutes

BACKGROUND/DISCUSSION

- During the 2007 legislative session, Section 380.06(19)(c) was amended to extend all phase, buildout, and expiration dates for DRIs that are under "active construction" on July 1, 2007.
- The amendment was in recognition of the real estate market conditions in Florida.
- The attached Resolution recognizes the automatic 3 years extensions and authorizes the Planning Director to review all current DRI Development Orders and notify the applicants of the extensions and the new phase, buildout, and expiration dates for their DRI.
- Copies of this Resolution will be placed in all DRI files to documents the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☐	REVIEWED Written Comments:

APPROVED IN OPEN SESSION
OCT 0 9 2007
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

	☐ Attached ☐ Available from Attorney (Attorney's initials: _____)
☐	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
☒	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
• Resolution No. R- 07-180		• Please forward a copy of the adopted Resolution to: County Attorney's Office – Bill Clague Planning Department – Bobbi Roy	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

#130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1750

July 14, 2005

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for the Cypress Banks Development of Regional Impact

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 05-33 the Development Order for the Cypress Banks Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on June 21, 20045 as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida • Tel. (941) 749-3070

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FILED FOR RECORD
R. B. SHORE
2005 JUL 11 PM 3:08
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE 05-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER WHICH SUPERCEDES ORDINANCE 03-30; WHICH REPLACED ORDINANCE 02-34, WHICH REPLACED ORDINANCE 00-06, WHICH REPLACED RESOLUTION 99-25, WHICH REPLACED RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SCHROEDER MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP), FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO APPROVE A 380.06 SUBSTANTIAL DEVIATION AND NOTICE OF PROPOSED CHANGE TO THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT TO: REVISE THE PROJECT BOUNDARY TO ADD 991.0 ACRES (LOCATED EAST OF LORRAINE ROAD AND SOUTH OF SR 70); INCREASE RESIDENTIAL ACREAGE BY 425.1 ACRES; INCREASE OPEN SPACE ACREAGE BY 248.0 ACRES; INCREASE RECREATIONAL ACREAGE BY 222.7 ACRES, INCLUDING AN 18-HOLE GOLF COURSE; INCREASE ROAD RIGHTS-OF-WAY BY 95.2 ACRES; INCREASE RESIDENTIAL DWELLING UNITS BY 274 IN PHASE IV; ADD FIVE ACCESS POINTS ASSOCIATED WITH THE ADDITIONAL LAND FOR NEW INTERNAL ROADWAYS: ONE AT LORRAINE ROAD, APPROXIMATELY 1.3 MILES SOUTH OF SR 70; TWO ON THE MASTERS AVENUE EXTENSION; ONE INTER-NEIGHBORHOOD CONNECTION AT THE NORTHERN BOUNDARY, AND; ONE INTER-NEIGHBORHOOD CONNECTION AT THE EASTERN BOUNDARY; AMEND THE LEGAL DESCRIPTION TO REFLECT THE ABOVE REFERENCED CHANGES; AND AMEND THE NAME OF THE AUTHORIZED AGENT FROM TIM MARTIN TO TODD POKRYWA; DEFINE THE GEOGRAPHIC EXTENT OF PHASES III & IV AND DEFINE THE LAND USE ENTITLEMENTS WITHIN EACH PHASE; AMEND MAP H AND THE DEVELOPMENT ORDER TO REFLECT THE ABOVE REFERENCED CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING RECODIFICATION OF THE EXISTING DEVELOPMENT ORDER; TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED. THE ORDINANCE AMENDS, REPLACES, AND SUPERSEDES ORDINANCE 03-03, DRI #17, AS AMENDED; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

SECTION 1:

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as Cypress Banks or the Development ; and

WHEREAS, the land development project known as Cypress Banks, a legal description of which is provided below, lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments, and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ±0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, On March 28, 2000 the Board Of County Commissioners approved Ordinance 00-06 which changed the legal description by adding approximately 374.1 acres, which included an additional 75.9 acres of residential acreage with no additional dwelling units, 250.2 acres of open space, and 48 acres for right-of way and easements, added two access points onto State Road 70 to serve the approved commercial parcels located on the east and west side of Lorraine Road, amended Map H to reflect the new boundaries of the legal description, additional residential and open space acreage, and the 2 additional access points onto State Road 70; and

WHEREAS, on December 10, 2002 the Board of County Commissioners approved Ordinance 02-34 adopting amendments to the Development Order for Cypress Banks to provide for a change to the legal description for the addition of approximately 432.1 acres, which included an additional 153.9 acres of residential acreage with no additional dwelling units, 174.8 acres of open space, and 112.4 acres of recreational acreage, amended the internal roadway network, and amended Map H to reflect the new boundaries of the legal description including the additional residential and open space acreage; and

WHEREAS, on April 22, 2003, the Board of County Commissioners approved Ordinance 03-30 adopting amendments to the Development Order for Cypress Banks to provide for a change to the legal description for the addition of approximately 290.0 acres, which included an additional 175.3 acres of residential acreage (without any additional dwelling units or density increases); 95.3 acres of open space; and 15.4 acres of recreational acreage, increased commercial land uses by 10,174 square feet, accelerated the start date of Phases II and IV, amended the internal roadway network; provided an effective date; and

WHEREAS, the Developer now requests that the DRI for Cypress Banks be further amended and restated to add an additional ± 991.0 acres to the DRI to be distributed among the following land uses: 425.1 acres of residential (including 274 additional dwelling units); 248.0 acres of open space; and 222.7 acres of recreational; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 2. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #17, ORDINANCE 03-30.

Ordinance 03-30 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Cypress Banks Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Numbers 03-30, 02-34, 00-06, and Resolution Numbers 99-25, 95-220, 89-161) shall be superceded by this Ordinance. Provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 3. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing, hereby makes the following findings of fact:

A. WHEREAS all clauses preceding this section are adopted as findings of fact.

B. SMR Communities Joint Venture, A Florida General Partnership, hereinafter referred to as one of the Developers, previously submitted to Manatee County, Florida, an Application for Development Approval (ADA) and Sufficiency Responses which are marked Composite Exhibit A and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30, and has also submitted the requested amendment identified as Ordinance 05-33. Hereinafter, the word Application shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, Ordinance 03-30 and the requested change Ordinance 05-33 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an

approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The Board of County Commissioners held a Public Hearing on June 21, 2005 regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at Public Hearing.

F. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 as amended, the 2020 Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Cypress Banks DRI is Todd Pokrywa, Vice President, Schroeder Manatee Ranch, Inc., 6215 Lorraine Road, Bradenton, Florida 34202.

I. The owners of the property, which SMR Communities Joint Venture, A Florida General Partnership, and Wilmington Land Company intend to develop, are Schroeder-Manatee Ranch, Inc., Locust Valley Investments, L.L.C., and Arvida Corporate Park Associates as well as individual lot owners within areas which have been platted. The new acreage (991.0 acres) is currently owned by Schroeder Manatee Ranch, Inc.

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).

K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34 and Ordinance 03-30 have been amended, replaced, and superceded in their entirety by this Ordinance.

L. The proposed changes filed by SMR Communities Joint Venture on June 23, 2004, as approved, are presumed to be a Substantial Deviation to the Cypress Banks DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in their report dated April 29, 2005, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.

SECTION 4. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated April 29, 2005, and as approved by said council on May 9, 2005, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 5. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	2,887.9	3,878.9	+991.0
COMMERCIAL SQUARE FOOTAGE (+10,174 sq. ft.)	213,674 sq. ft./ 29.7 acres	213,674 sq. ft./ 29.7 acres	0.0
RECREATIONAL (GOLF COURSES, PARKS, AND MAINTENANCE FACILITY)	309.2	531.9	+222.7
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	1,143	1,391.0	+248.0
NET RESIDENTIAL ACREAGE	1,273.7	1,698.8	+425.1

SINGLE FAMILY UNITS	4,923	4,884	-39
MULTI-FAMILY UNITS	578	891*	+313*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991-acre expansion tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

PROPOSED LAND USES FOR THE ADDITIONAL 991.0 ACRES ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 05-33

Based on Florida Land Use, Cover, and Form Classification System - Level III

	Land Use	Acreage	% of Site
110-136	Residential	425.1	42.9
162	Sand and Gravel Pits	0.0	0.0
182	Golf Courses	204.1	20.7
186	Community Recreation Facilities	15.0	1.5
194	Other Open Land	39.8	4.0
211	Improved Pastures	0.0	0.0
214	Row Crops	0.0	0.0
242	Sod Farms	0.0	0.0
259/260	Other Open lands (Rural)	0.0	0.0
320	Shrub and Brushland	0.0	0.0
411	Pine Flatwoods	13.7	1.4
414	Pine-Mesic Oak	5.5	0.5
523	Lakes, 10-10,000 Acres	37.9	3.8
524	Lakes < 10 Acres	80.2	8.1
615	Stream and lake Swampland	21.2	2.1
640	Vegetated Non-Forested Wetlands	38.5	3.9
641	Freshwater marshes	14.8	1.5
814	Roads	95.2	9.6
	TOTAL	991.0	100.0

SECTION 6. DEFINITIONS:
Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as Map H which is attached to this Ordinance as Exhibit "F" (revised 6/21/05) and which replaces the previous Map H (revised 4/22/03. Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the Master Development Plan* and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process or construction plan approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the

discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised, June 21, 2005) as set forth on Exhibit F hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 213,674 square feet of commercial, 5,775 residential units, and 531.9 acres for golf courses and parks.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and Exhibit C , to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service D Peak Hour. This area is generally depicted on Map J (Exhibit B) which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering

practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2014)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64
9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

Lorraine Road between SR 70 and University Parkway

SECTION 7. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in Exhibit D (revised 6/21/05), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 05-33 Preliminary Development Plan* applications for Phases 2, 3, and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in Exhibit D (revised 6/21/05). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of

Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in Exhibit D (revised 6/21/05), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in Exhibit D (revised 6/21/05).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval, pursuant to the Manatee County Land Development Code (LDC) **(Completed for the first 5,501 units and 213,674 square feet of commercial which are Phases I, II, III, and 1,285 units in Phase IV).** Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 2000 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J (Exhibit B). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary

Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in Exhibit D (revised 6/21/05).

C.(3) Approval of each Preliminary Development Plan* (**Completed for Phase** I) shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County s inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land

Development Code (Ordinance 90-01), as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's * request that Relocated US-301 improvements as originally noted in Exhibit C , be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated US-301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median to discourage unsafe cross-traffic movements between these two commercial parcels. **(Completed)**

C.(8) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road.

C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2), 335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Planning Department (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review **(Completed for the approved 2,887.9 acres only, not the additional 991.0 acre parcel, added to the DRI with Ordinance 05- 33)** and shall provide one (1) year of pre-construction base-line data acceptable to the Planning Department or their successors) **(Completed for the approved 2,887.9 acres only, not the additional 991.0 acre parcel added to the DRI with Ordinance 05-33).** Construction monitoring shall be initiated at the beginning of construction and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-302, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 432.1 acre parcel added to the DRI with Ordinance 02-34 **(Completed)** and the additional 290.9 acre parcel added to the DRI with Ordinance 03-30 **(Completed)**, and the additional 991.0 acre parcel added to the DRI with Ordinance 05-33, prior to commencement of any construction on this parcel. The County s Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

For the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33. EMD and FDEP shall review the applicant's one year of data from the Ambient Surface Water Monitoring Program to determine if ongoing surface water quality monitoring will be required. In addition, a waterbody (Braden River AB Ward L 1914) within this project's boundary has been identified as impaired by Chapter 62-303 F.A.C. and will be subject to a Total Maximum Daily Load (TMDL). TMDL's define the amount of a pollutant that can exist in a waterbody and still meet its designated use. Waterbodies identified as impaired exceed the TMDL for one or more pollutants. Local stakeholders (e.g. Developer or homeowner's associations) will be responsible for reducing the amount of pollutants that enter an impaired system that falls within their jurisdiction. Pollutant reductions will be shown through the development and participation in Basin Management Action Plans (BMAP). The Developer shall participate in any BMAP that is developed for a sub-basin located partially or wholly within the project's boundary. Furthermore, any responsibility that the Developer takes on under the scope of a BMAP shall be passed on to future responsible parties within the development (e.g. homeowners' associations) for the additional 991.0 acre parcel added to the DRI with Ordinance 05-33.

Groundwater quality monitoring shall be required for the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33 through build-out of the project. The ongoing groundwater monitoring will be performed in accordance with EMD's Groundwater Monitoring Requirements and FDEP's Environmental Monitoring Plan (EMP) guidance documents, both contained in the Cypress Banks DRI/East Sector NOPC Site Environmental Monitoring Plan approved by EMD on December 17, 2004. A proposal for ongoing groundwater monitoring will be submitted to EMD and FDEP, along with the applicant's one year of data from the Ambient (baseline) Groundwater Monitoring Program for evaluation and approval, prior to commencement of an ongoing groundwater monitoring program.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC s) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed)**.

D.(3) In the event that any species listed in Rule 68A-27.003, Rule 68A-27.005, or Rule, 68A-27.004 Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Fish and Wildlife

Conservation Commission (F.F.W.C.C.).

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1-acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities **(Completed)**.

A mesic hammock (9.3 acres) for the 374.1 acre parcel added to the DRI with Ordinance 00-06, as shown on revised Map H dated April 22, 2003 shall be preserved as habitat for the Sherman s Fox Squirrel **(Completed)**.

D.(4) All wetlands within the site are considered jurisdictional and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted. The only wetland impact permitted with the 432.1 acres added with the adoption of Ordinance 02-34, shall be the roadway crossing shown on Map H, and allow for piling supported structures for golf cart paths, in accordance with Section 719 of the LDC. Such structures shall be located as to minimize impacts to desirable vegetation. None of the 2.2 acre wetland on the 290.9 acre parcel added to the DRI with the adoption of Ordinance 03-30 shall be impacted. Of the 78.3 wetland acres, 1.59 acres will be impacted on the 991.0 acre parcel added to the DRI with the adoption of Ordinance 05-33. The impact shall be limited to 1.52 acres within wetland SE-W71 to allow a roadway crossing, residential uses, and a stormwater management system, 0.04 acres within SE-W46 to allow a roadway crossing, and 0.03 acres within wetland SE-W100 to allow an elevated golf cart path. This shall be reviewed and approved by the Planning Department prior to Final Site Plan approval.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on Exhibit E (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 4/22/03), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures or non single-family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

D.(15) The 326.1-acre addition (a.k.a. Taylor Ranch) of land added to the DRI with Ordinance 02-34, shall be subject to the following:

A. Upland preservation shall be provided by increasing the wetland buffer approximately twenty feet beyond the 30 foot (30') wetland buffer required by the Manatee County Land Development Code. Upland preservation areas shall be delineated on the Final Site Plan.

B. Prior to commencement of construction within fifteen hundred feet (1500) of the eagle nest, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).

C. A permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to approval of the Erosion and Sediment Control Plan.

D.(16) Prior to Final Site Plan approval for any area containing existing wells, a Well Management Plan shall be submitted for the additional 991.0 acre parcel, added to the DRI with Ordinance 05-33_for review and approval by EMD. The Well Management Plan should include Water Use Permits, approved by SWFWMD, modified for the proposed use and details on how wells will be protected during construction activities.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done

separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed (**Completed for Phase I**). Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning and Environmental Management Departments (EMD) (or their successors) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-302, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee s Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies

and Surface Waters General Criteria of Chapter 62.302 , F.A.C. or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. Watt-wise Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;
b. Cross-ventilation;
c. Window orientation for the most efficient heating and cooling systems;
d. Solar heating and cooling systems; and
e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit A attached hereto and by reference incorporated herein, unless that commitment is superseded

by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches, and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County s Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I **(Completed)**.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR Communities Joint Venture, A Florida General Partnership, its successors, assigns or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22, 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the

Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government s compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, significant development shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2014.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty-foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

H.(21) The Developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road, as identified on the General Development Plan dated April 22, 2003. Prior to dedication, the Developer shall construct those improvements which are indicated as "Developer Improvements" on that plan prepared by Wilson Miller, Inc., dated April 22, 2003 and attached hereto as Exhibit G. Manatee County shall identify the park as a planned project within the park capital improvement plan as a condition precedent to the Developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Park and Recreation system. If the dedication and construction by Developer* meet this condition it shall be eligible for impact fee credits from the parks and recreation component.

H.(22) The developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road and directly north of The Masters Avenue extension, as identified on the General Development Plan dated June 21, 2005 {Z-86-30(R14)}. Prior to dedication, the developer shall construct improvements as agreed upon between the developer and Manatee County Parks and Recreation Department. Manatee County shall be responsible for any additional improvements. The developer improvements shall be constructed using design and materials consistent with similar park facilities in other Manatee County parks. Manatee County shall identify the park as a planned project within the parks and recreation level of service standards contained in the Comprehensive Plan as a condition precedent to the developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Parks and Recreation system. If the dedication and construction by developer meets this condition, it shall be eligible for impact fee credits from the parks and recreation component.

SECTION 8. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (*Application for Development Approval [ADA], pg. 7*)

2. The proposed uses for the property include residential, open space, a golf course and club house and a park *(NOPC Application/Page 4).*

3. The breakdown of the 991.0-acre addition is as follows: 425.1 acres - residential, 248.0 acres - "other open space," 95.2 acres road right-of-way and easements, and 222.7 acres - recreation *(NOPC Application/Page 7).*

4. Lorraine Road will be added to the list of impacted transportation facilities identified within the Development Order *(*Ordinance 03-30*).*

5. The acreage expansion is adding five new access points. Two of the access points will be located on The Masters Avenue extension. Two are inter-neighborhood connections, and the fifth access point will be at Lorraine Road, approximately 1.3 miles south of SR 70.

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (*ADA, pg. 17*)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded, or mulched. (*ADA, pg. 18*)

3.

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (*ADA, pgs. 19 and 21)*

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.

   - control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.

   - control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.

- sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
- preserve natural land cover by selective clearing of the site.
- utilize water spray trucks in heavy construction traffic areas.
- design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
- preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (*ADA, pp. 21-22*).

3. The developer will apply the existing Development Order Conditions pertaining to wind and water soil erosion to the additional acreage *(ADA Responses/Page 15-2).*

4. Erosion problems will be mitigated for by the addition of energy attenuators (spreader swales, rip-rap or bubbler boxes) at future and temporary discharge points *(ADA Responses/Page 19-2).*

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-302 and Rule 62-4.242 (*ADA, pg. 42*)

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (*ADA, pg. 43*)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural fringe-area adjacent to the Braden River and three of the largest streams on-site, directly into the contiguous stream. (*ADA, pg. 45*)

4. The planned use for the four existing water wells located within the 991.0-acre parcel is a secondary supplement for non-potable surface water irrigation system administered by the Braden River Utilities ((ADA Responses/Page 17).

5. Water used for irrigation will come from non-potable water sources including stormwater and surface water (Additional Information/Pages 6 & 10).

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwater will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

8. The jurisdictional ditch will be relocated within the same commercial parcel but further south to preserve the water quality and quantity functions of the system (Ordinance 03-30)

9. The majority of wetlands on site will be preserved. This extensive preservation along with the observation of the 50-foot wide buffers will minimize adverse impacts to the existing wetland dependent species' habitat.(ADA Responses/Pages 12-12)

10. An average-width 50-foot wetland buffer will be observed around all on-site wetland areas. A minimum 30 foot buffer is required around all isolated wetlands in accordance with Manatee County Development Code (ADA Responses/Pages 13-1 & 13-2).

11. Three wetland sites, 1.59 acres of the 78.3 total wetland acres within the 991.0 acre to be added to the DRI will be disturbed.(ADA Responses/Page 13-3).

Floodplains

1. The main Zephyr lily and brown ladies tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by

preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

4. The 991.0 acres to be added to the DRI is located outside of the 100-year floodplain. (*ADA Responses/Page 16-1).*

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

1. There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. The developer controls the preserved marsh area outside of the DRI and plans to preserve this area *(Additional Information/Page 6)*.

2. There will be a golf course, golf club house, and a 15-acre park within the 991.0 acres to be added to the DRI with Ordinance 05-33. *(Substantial Deviation Application/Page 4).*

SECTION 9. LEGAL DESCRIPTION OF CYPRESS BANKS

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

A parcel of land lying in Sections 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34 and 35, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Begin at the northwest corner of said Section 20, said section corner also being the common corner of Sections 17, 18, and 19; Thence N.00°34'52"E. along the west line of said Section 17, a distance of 140.67 feet to a point on the southerly right-of-way of State Road 70; the following 9 calls are along said southerly right-of-way of State Road 70; Thence S.70°26'04"E., a distance of 373.46 feet to the point of curvature of a curve to the left having a radius of 2,041.86 feet and a central angle of 18°21'30"; Thence easterly along the arc of said curve, an arc length of 654.24 feet to the point of tangency of said curve; Thence S.88°47'34"E., a distance of 4,362.42 feet; Thence S.89°43'34"E., a distance of 1,575.96 feet; Thence S.89°42'03"E., a distance of 2,821.50 feet; Thence S.89°19'57"E., a distance of 1,464.40 feet to Point "A"; Thence S.89°21'15"E., a distance of 3,754.54 feet to the point of curvature of a curve to the right having a radius of 1,777.86 feet and a central angle of 34°24'33"; Thence easterly along the arc of said curve, an arc length of 1,067.70 feet to the point of tangency of said curve; Thence S.54°56'41"E., a distance of 821.49 feet; Thence departing said southerly right-of-way of State Road 70; S.37°00'30"W., a distance of 306.68 feet; Thence S.11°59'28"W., a distance of 271.56 feet; Thence S.38°13'49"E., a distance of 139.09 feet; Thence S.08°47'40"W., a distance of 153.43 feet; Thence S.49°56'25"W., a distance of 228.41 feet; Thence N.50°07'45"W., a distance of 125.37 feet; Thence N.26°43'33"E., a distance of 224.96 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 88°54'40"; Thence northerly along the arc of said curve, an arc length of 155.18 feet to the point of tangency of said curve; Thence N.62°11'08"W., a distance of 197.43 feet; Thence S.61°14'22"W., a distance of 113.08 feet; Thence S.24°22'30"W., a distance of 201.08 feet; Thence S.00°06'50"W., a distance of 135.65 feet; Thence S.50°25'21"E., a distance of 348.47 feet; Thence S.35°53'49"W., a distance of 417.52 feet; Thence N.56°57'53"W., a distance of 139.47 feet; Thence N.83°51'29"W., a distance of 332.08 feet; Thence S.32°20'46"W., a distance of 368.15 feet; Thence S.15°20'53"W., a distance of 147.34 feet; Thence S.53°47'33"W., a distance of 231.66 feet; Thence S.76°15'16"W., a distance of 235.33 feet; Thence S.46°31'18"W., a distance of 195.52 feet; Thence S.33°58'26"W., a distance of 687.37 feet; Thence S.37°35'20"W., a distance of 294.52 feet; Thence S.52°24'58"W., a distance of 284.05 feet; Thence S.75°39'49"W., a distance of 461.38 feet; Thence S.74°49'49"W., a distance of 163.40 feet; Thence S.63°21'56"W., a distance of 148.94 feet; Thence S.44°11'27"W., a distance of 241.21 feet; Thence S.63°21'55"W., a distance of 439.23 feet; Thence S.81°03'05"W., a distance of 234.09 feet; Thence S.57°35'22"W., a distance of 178.26 feet; Thence S.69°59'29"W., a distance of 317.24 feet; Thence S.80°03'53"W., a distance of 275.24 feet; Thence N.81°49'22"W., a distance of 263.52 feet; Thence N.67°11'02"W., a distance of 629.23 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.82°00'55"E., a radial distance of 2,880.00 feet; Thence southerly along the arc of said curve, through a central angle of 07°28'45", an arc length of 375.94 feet to the point of tangency of said curve; Thence S.00°30'20"W., a distance of 354.96 feet; Thence S.00°51'27"W.î_@ along a line 120 feet easterly of and parallel with the west line of Section 27, a distance of 1,043.22 feet; Thence departing said parallel line, Thence S.89°37'46"E., a distance of 240.68 feet; Thence S.40°36'26"E., a distance of 257.70 feet; Thence S.81°04'26"E., a distance of 540.66 feet; Thence S.49°05'50"E., a

distance of 215.16 feet; Thence N.40°54'10"E. a distance of 245.00 feet, Thence N.40°54'10"E., a distance of 411.03 feet; Thence N.69°00'00"E., a distance of 414.64 feet to the point of curvature of a curve to the right having a radius of 325.00 feet and a central angle of 93°51'32"; Thence southeasterly along the arc of said curve, an arc length of 532.40 feet to the point of tangency of said curve; Thence S.17°08'28"E., a distance of 477.41 feet to the point of curvature of a curve to the left having a radius of 1,304.68 feet and a central angle of 46°09'43"; Thence southeasterly along the arc of said curve, an arc length of 1,051.15 feet to the point of compound curvature of a curve to the left having a radius of 300.00 feet and a central angle of 27°41'00"; Thence easterly along the arc of said curve, an arc length of 144.95 feet to the point of reverse curvature of a curve to the right having a radius of 300.00 feet and a central angle of 33°34'45"; Thence easterly along the arc of said curve, a distance of 175.82 feet to the point of reverse curvature of a curve to the left having a radius of 500.00 feet and a central angle of 14°40'42"; Thence southeasterly along the arc of said curve, a distance of 128.09 feet; Thence S.72°05'08"E., a distance of 687.44 feet to the point of curvature of a curve to the left having a radius of 300.00 feet and a central angle of 36°07'04"; Thence easterly along the arc of said curve, an arc length of 189.11 feet to the point of tangency of said curve; Thence N.71°47'48"E., a distance of 174.58 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 26°43'39"; Thence easterly along the arc of said curve, an arc length of 139.94 feet to the point of tangency of said curve; Thence S.81°28'34"E., a distance of 29.29 feet to the point of curvature of a curve to the left having a radius of 300.00 feet and a central angle of 33°05'48"; Thence easterly along the arc of said curve, an arc length of 173.29 feet to the point of tangency of said curve; Thence N.65°25'38"E., a distance of 102.22 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 22°54'06"; Thence easterly along the arc of said curve, an arc length of 119.91 feet to the point of tangency of said curve; Thence N.88°19'44"E., a distance of 135.20 feet to the point of curvature of a curve to the left having a radius of 500.00 feet and a central angle of 20°06'52"; Thence easterly along the arc of said curve, an arc length of 175.53 feet to the point of tangency of said curve; Thence N.68°12'52"E., a distance of 55.21 feet to the point of curvature of a curve to the right having a radius of 500.00 feet and a central angle of 22°46'21"; Thence easterly along the arc of said curve, an arc length of 198.73 feet to the point of tangency of said curve; Thence S.89°00'47"E., a distance of 111.19 feet to the point of curvature of a curve to the left having a radius of 500.00 feet and a central angle of 36°25'43"; Thence easterly along the arc of said curve, an arc length of 317.90 feet to the point of tangency of said curve; Thence N.54°33'30"E., a distance of 58.73 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 34°39'07"; Thence easterly along the arc of said curve, an arc length of 181.44 feet to the point of tangency of said curve; Thence N.89°12'37"E., a distance of 130.29 feet to the point of curvature of a curve to the left having a radius of 300.00 feet and a central angle of 32°18'02"; Thence easterly along the arc of said curve, an arc length of 169.13 feet to the point of tangency of said curve; Thence N.56°54'35"E., a distance of 16.80 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 25°22'04"; Thence easterly along the arc of said curve, an arc length of 132.83 feet to the point of tangency of said curve; Thence N.82°16'39"E., a distance of 205.12 feet to the point of curvature of a curve to the right having a radius of 300.00 feet and a central angle of 20°39'54"; Thence easterly along the arc of said curve, a distance of 108.20 feet to the point of reverse curvature of a curve to the left having a radius of 300.00 feet and a central angle of 23°01'12"; Thence easterly along the arc of said curve, a distance of 120.53 feet to the point of reverse curvature of a curve to the right having a radius of 200.00 feet and a central angle of 32°02'15"; Thence easterly along the arc of said curve, a distance of 111.83 feet to the point of reverse curvature of a curve to the left having a radius of 300.00 feet and a central angle of 43°13'43"; Thence easterly along the arc of said curve, a distance of 226.35 feet to the point of reverse curvature of a curve to the right having a radius of 500.00 feet and a central angle of 22°24'10"; Thence easterly

along the arc of said curve, an arc length of 195.50 feet to the point of tangency of said curve; Thence S.88°51'58"E., a distance of 87.04 feet to the point of curvature of a curve to the right having a radius of 200.00 feet and a central angle of 38°04'03"; Thence easterly along the arc of said curve, a distance of 132.88 feet to the point of reverse curvature of a curve to the left having a radius of 200.00 feet and a central angle of 49°09'14"; Thence easterly along the arc of said curve, an arc length of 171.58 feet to the point of tangency of said curve; Thence N.80°02'52"E., a distance of 293.78 feet to the point of curvature of a curve to the right having a radius of 200.00 feet and a central angle of 16°51'13"; Thence easterly along the arc of said curve, a distance of 58.83 feet to the point of reverse curvature of a curve to the left having a radius of 200.00 feet and a central angle of 42°19'55"; Thence easterly along the arc of said curve, an arc length of 147.77 feet to the point of tangency of said curve; Thence N.54°34'10"E., a distance of 441.05 feet to the point of curvature of a curve to the right having a radius of 200.00 feet and a central angle of 22°43'46"; Thence Northeasterly along the arc of said curve, an arc length of 79.34 feet to the point of tangency of said curve; Thence N.77°17'56"E., a distance of 121.43 feet to the point of curvature of a curve to the left having a radius of 300.00 feet and a central angle of 31°57'45"; Thence Northeasterly along the arc of said curve, an arc length of 167.36 feet to the point of tangency of said curve; Thence N.45°20'10"E., a distance of 236.18 feet; Thence S.22°34'25"E., a distance of 3,415.56 feet; Thence S.51°30'06"E, a distance of 490.81 feet; Thence S.53°36'44"E., a distance of 729.73 feet; Thence S.65°24'21"E., a distance of 609.02 feet; Thence S.75°50'22"W., a distance 1,245.78 feet to the point of curvature of a curve to the left having a radius of 2940.00 feet and a central angle of 31°21'44"; Thence Westerly along the arc of said curve, an arc length of 1,609.28 feet to the point of tangency of said curve; Thence N.72°47'54"W., a distance of 1,139.89 feet to the point of curvature of a curve to the right having a radius of 2,920.00 feet and a central angle of 30°55'19"; Thence Westerly along the arc of said curve, an arc length of 1,575.89 feet to the point of tangency of said curve; Thence S.76°16'47"W. a distance of 615.98 feet to the point of curvature of a curve to the left having a radius of 2610.00 feet and a central angle of 28°29'57"; Thence Westerly along the arc of said curve, an arc length of 1,298.23 feet to the point of tangency of said curve; Thence S.47°46'50"W. a distance of 466.55 feet to the point of curvature of a curve to the right having a radius of 1,940.00 feet and a central angle of 38°34'52"; Thence Westerly along the arc of said curve, an arc length of 1,306.33 feet to the point of tangency of said curve; Thence S.86°21'42"W., a distance of 275.61 feet to the point of curvature of a curve to the left having a radius of 1,690.00 feet and a central angle of 21°25'17"; Thence Westerly along the arc of said curve, an arc length of 631.85 feet to a point of reverse curvature to the right having a radius of 2,720.00 feet and a central angle of 05°03'24"; Thence Westerly along the arc of said curve, an arc length of 240.05 feet to the point of tangency of said curve; Thence N.01°55'00"W., a distance of 1,474.17 feet; Thence N.90°00'00"W., a distance of 738.63 feet; Thence N.31°53'04"W., a distance of 662.62 feet; Thence N.90°00'00"W., a distance of 1,359.34 feet; Thence S.00°51'27"W., a distance of 24.95 feet to a point on the southerly line of said Section 27; Thence S.89°57'56"W. along the southerly line of said Section 27, a distance of 120.02 feet to the southeast corner of Section 28; Thence N.89°30'25"W. along the south line of said Section 28, a distance of 2,662.03 feet to the south 1/4 corner of said Section 28; Thence N.00°45'47"E. along the west line of the east ½ of said Section 28, a distance of 1,236.76 feet; Thence N.89°31'24"W. along a line 4,077.34 feet southerly of and parallel with the north line of said Section 28, a distance of 2,614.09 feet; Thence S.00°40'06"W., a distance of 221.36 feet to the point of curvature of a curve to the left having a radius of 600.00 feet and a central angle of 73°58'28"; Thence southeasterly along the arc of said curve, an arc length of 774.66 feet to the point of reverse curvature of a curve to the right having a radius of 550.00 feet and a central angle of 59°36'16"; Thence southeasterly along the arc of said curve, a distance of 572.16 feet to the end of said curve; Thence S.76°17'54"W., a distance of 33.84 feet to the northeast corner of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded in Plat

Book 34, Page 181 of the Public Records of Manatee County, Florida; the following 7 calls are along the North line of said Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles; Thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.01°16'23"E., a radial distance of 58.00 feet; Thence westerly along the arc of said curve, through a central angle of 24°50'30", an arc length of 25.15 feet to the point of tangency of said curve; Thence N.26°06'53"W., a distance of 49.82 feet; Thence S.72°30'29"W., a distance of 161.83 feet; Thence N.17°29'31"W., a distance of 20.40 feet; Thence S.72°30'29"W., a distance of 190.11 feet; Thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records; Thence S.90°00'00"W. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of the aforementioned Public Records, a distance of 2,269.90 feet; Thence S.23°47'43"W. along the west line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said northerly line; Thence N.60°40'54"W., a distance of 184.30 feet; Thence N.36°55'37"W., a distance of 85.33 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the aforementioned Public Records; the following 3 calls are along said easterly line; Thence N.01°20'47"E., a distance of 240.50 feet; Thence N.58°34'00"W., a distance of 423.22 feet; Thence N.00°29'35"E., a distance of 166.41 feet to a point on the south line of Section 29; Thence N.89°30'25"W. along said south line, a distance of 1,269.55 feet to the south 1/4 corner of the southwest 1/4 of said Section 29; Thence N.00°29'12"E. along the east line of the west ½ of said southwest 1/4 of Section 29, a distance of 2,658.57 feet to the north 1/4 corner of said southwest 1/4 of Section 29; Thence N.89°30'30"W. along the south line of the northwest 1/4 of said Section 29, a distance of 120.00 feet; Thence S.00°29'12"W., a distance of 48.63 feet; Thence N.89°30'48"W., a distance of 469.77 feet; Thence N.61°13'40"W., a distance of 51.46 feet; Thence S.85°03'09"W., a distance of 131.05 feet; Thence S.33°11'55"W., a distance of 59.75 feet; Thence N.46°13'24"W., a distance of 141.12 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.46°13'24"E., a radial distance of 295.00 feet; Thence southwesterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the point of tangency of said curve; Thence N.61°21'58"W., a distance of 186.34 feet; Thence S.26°03'03"W., a distance of 41.16 feet; Thence N.89°30'30"W., a distance of 211.38 feet; to a point on the west line of said section 29 Thence N.00°22'41"E. along said west line, a distance of 2,656.57 feet to the southwest corner of section 20, Thence N.00°35'50"E along the west line of said section 20., a distance of 5,298.78 feet to the POINT OF BEGINNING.

Said parcel contains 3,932.97 Acres, more or less.

Less and excepting the following parcel of land.

Commence at the Point "A"; Thence S.89°21'15"E., a distance of 1,728.68 feet; Thence S.00°39'03"W., a distance of 899.59 feet; Thence N.89°20'57"W., a distance of 252.76 feet to the POINT OF BEGINNING; Thence S.00°21'00"W., a distance of 290.63 feet; Thence S.89°20'05"E., a distance of 488.16 feet; Thence S.00°39'03"W., a distance of 1,207.55 feet to the point of curvature of a curve to the left having a radius of 499.89 feet and a central angle of 34°47'32"; Thence southerly along the arc of said curve, an arc length of 303.55 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.36°29'56"W., a radial distance of 1,350.00 feet; Thence westerly along the

arc of said curve, through a central angle of 68°49'32", an arc length of 1,621.66 feet to the point of tangency of said curve; Thence N.57°40'25"W., a distance of 88.97 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 90°00'00"; Thence northerly along the arc of said curve, an arc length of 78.54 feet to the point of tangency of said curve; Thence N.32°19'35"E., a distance of 30.16 feet to the point of curvature of a curve to the left having a radius of 2,735.00 feet and a central angle of 31°55'30"; Thence northerly along the arc of said curve, an arc length of 1,523.93 feet to the point of tangency of said curve; Thence N.00°24'05"E., a distance of 267.14 feet; Thence S.89°20'57"E., a distance of 615.06 feet to the POINT OF BEGINNING.

Said parcel contains 54.10 acres, more or less.

Net Area is 3,878.87 Acres, more of less.

SECTION 10. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 11. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not downzone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term down-zone shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 12. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 13. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 14. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 15. NOTICE OF RECORDING:

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 16. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 03-30 during the pendency of any appeal.

SECTION 17. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161(R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, and Ordinance 03-30 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this the 21st day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

By: _____
Third Vice-Chairman

ATTEST: By: _____ D.C.
R.B. SHORE
Clerk of the Circuit Court

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

June 21, 2005

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999*** - 2005)	203,500 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, 2010)	10,174 sq. ft. (Community Shopping)		1,406
IV (August 7, 2003 - 2014)		Third Golf Course	1,559
TOTAL	213,674 s.f.		5, 501 - 5,775*

*Subject to Manatee County approval of Preliminary Site Plans for the location and design of each multi-family parcel within the 991-acre expansion tract added to the DRI with Ordinance 05-33, which may reduce the overall number of units.

** Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer s compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

STATE OF FLORIDA, COUNTY OF MANATEE
I hereby 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 1ST day of July, 20 05
R.B. SHORE
Clerk of Circuit Court
By: B. Acevedo D.C.

RECEIVED

JUL 18 2005

Tampa Bay Regional
Planning Council

BOARD OF COUNTY COMMISSIONERS
SEAL
MANATEE CO., FLA.

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 11th day of July, 2005

R.B. SHORE
Clerk of Circuit Court

By: Escovedo D.C.

#130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified mail # 7000 0600 0024 5577 2290

May 12, 2003

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Cypress Banks

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 03-30, the Development Order for Schroeder-Manatee Ranch, Inc./Cypress Banks, as adopted in open session by the Manatee County Board of County Commissioners on April 22, 2003, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 03-30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERCEDING ORDINANCE 02-34; WHICH REPLACED ORDINANCE 00-06, WHICH REPLACED RESOLUTION 99-25, WHICH REPLACED RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SCHROEDER MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP), FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO REVISE THE LEGAL DESCRIPTION TO REFLECT THE ADDITION OF 290.9 ACRES, AMEND THE INTERNAL ROADWAY NETWORK, INCREASE COMMERCIAL LAND USES BY 10,174 SQUARE FEET, AND ACCELERATE THE START DATES OF PHASES III AND IV. THE ADDITION OF THE 290.9 ACRES WILL INCREASE THE RESIDENTIAL ACREAGE BY 175.6 ACRES WITH NO ADDITIONAL DWELLING UNITS, INCREASE THE OPEN SPACE BY 95.3 ACRES, INCREASE THE RECREATIONAL ACREAGE BY 15.4 ACRES, AMEND MAP H TO REFLECT THE CHANGES IN THE LEGAL DESCRIPTION, PROJECT BOUNDARIES, ADDITIONAL RESIDENTIAL, AND OPEN SPACE ACREAGE, AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
R. B. SHORE
2003 MAY -9 AM 9:51
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FILED
2003 MAY -2 PM 12:45
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

SECTION 1:

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as Cypress Banks or the Development; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments, and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended

Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ±0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, On March 28, 2000 the Board Of County Commissioners approved Ordinance 00-06 which changed the legal description by adding approximately 374.1 acres, which included an additional 75.9 acres of residential acreage with no additional dwelling units, 250.2 acres of open space, and 48 acres for right-of way and easements, added two access points onto State Road 70 to serve the approved commercial parcels located on the east and west side of Lorraine Road, amended Map H to reflect the new boundaries of the legal description, additional residential and open space acreage, and the 2 additional access points onto State Road 70; and

WHEREAS, on December 10, 2002 the Board of County Commissioners approved Ordinance 02-34 adopting amendments to the Development Order for Cypress Banks to provide for a change to the legal description for the addition of approximately 432.1 acres, which included an additional 153.9 acres of residential acreage with no additional dwelling units, 174.8 acres of open space, and 112.4 acres of recreational acreage, amended the internal roadway network, and amended Map H to reflect the new boundaries of the legal description including the additional residential and open space acreage; and

WHEREAS, the Developer now requests that the Development Order for Cypress Banks be further amended to amend Map H to add an additional ± 290.9 acres to the DRI to be distributed among the following land uses: 175.6 acres of residential acreage (without any additional dwelling units or density increases); 95.3 acres of open space; and15.4 acres of recreational acreage. The proposed changes will also increase commercial land uses by 10,174 square feet, accelerate the start date of Phases III and IV, amend the internal roadway network;, and provide an effective date; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 2. FINDINGS OF FACT:

The Board of County Commissioners after considering the testimony, evidence documentation, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing, hereby makes the following findings of fact:

A. WHEREAS all clauses preceding this section are adopted as findings of fact.

B. SMR Communities Joint Venture, A Florida General Partnership, hereinafter referred to as one of the Developers , previously submitted to Manatee County, Florida, an Application for Development Approval (ADA) and Sufficiency Responses which are marked Composite Exhibit A and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 00-06, Ordinance 02-34, and has also submitted the requested amendment identified as Ordinance 03-30 . Hereinafter, the word Application shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, Ordinance 02-34, and the requested change Ordinance 03-30 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The Board of County Commissioners held a Public Hearing on April 22, 2003 regarding the proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at Public Hearing.

F. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 as amended, the 2020 Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Cypress Banks DRI is Tim Martin, Vice President, Schroeder Manatee Ranch, Inc., 6215 Lorraine Road, Bradenton, Florida 34202.

I. The owners of the property, which SMR Communities Joint Venture, A Florida General Partnership, and Wilmington Land Company intend to develop, are Schroeder-Manatee Ranch, Inc., Locust Valley Investments, L.L.C., and Arvida Corporate Park Associates as well as individual lot owners within areas which have been platted. The new acreage (290.9 acres) is currently owned by Schroeder Manatee Ranch, Inc.

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).

K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, and Ordinance 02-34 have been amended, replaced, and superceded in their entirety by this Ordinance.

L. The proposed changes filed by SMR Communities Joint Venture on January 2, 2002, as approved, are presumed to be a Substantial Deviation to the Cypress Banks DRI. However, upon consideration of the Development Order conditions to address the identified issues, TBRPC has determined in their NOPC report dated April 14, 2003, that the applicant has provided sufficient information to rebut the presumption of a Substantial Deviation and that no unmitigated regional impacts would be anticipated as a result of this modification.

SECTION 3. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is

consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated March 26, 2003 and as approved by said council on April 14, 2003 and those of the Department of Community Affairs dated April 18, 2003, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	2,597.0	2,887.9	+290.9
COMMERCIAL SQUARE FOOTAGE (+10,174 sq. ft.)	203,500 sq. ft./ 29.7 acres	213,674 sq. ft./ 29.7 acres	+10,174 sq. ft.
RECREATIONAL (GOLF COURSES, PARKS, AND MAINTENANCE FACILITY)	294.4	309.2	+15.4
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	1,056	1,143	+95.3
NET RESIDENTIAL ACREAGE	1,100.7	1,273.7	+175.6
SINGLE FAMILY UNITS	4,923	4,923	0
MULTI-FAMILY UNITS	578	578	0

EXISTING AND PROPOSED LAND USES FOR THE ADDITIONAL 290.9 ACRES ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 03-30

Based on Florida Land Use, Cover, and Form Classification System - Level III

		Existing		Proposed	
	Land Use	Acreage	% of Site	Acreage	% of Site
110-136	Residential	0	0	175.6	60.4
186	Community Recreation Facilities	0	0	15.0	5.3
194	Other Open Land	0	0	47.1	16.3
211	Improved Pasture	257.3	88.5	0	0
213	Woodland Pasture	21.7	7.5	0	0
231	Cattle Feeding Operations	2.1	0.7	0	0
411	Pine Flatwoods	3.9	1.3	2.1	0.5
414	Pine - Mesic Oak	3.7	1.3	2.1	0.7
524	Lakes < 10 Acres	0	0	37.4	12.9
640	Vegetated Non-Forested Wetlands	2.2	0.7	2.2	0.7
814	Roads	0	0	9.4	3.2
	TOTAL	290.9	100	290.9	100

SECTION 5. DEFINITIONS:
Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as Map H which is attached to this Ordinance as Exhibit "F" (revised 12/9/99) and which replaces the previous Map H (revised 3/15/99). Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the Master Development Plan* and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process or construction plan approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the

Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised April 22, 2003) as set forth on Exhibit F hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 213,674 square feet of commercial, 5,501 residential units, and 309.2 acres for golf courses and parks.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and Exhibit C , to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service D Peak Hour. This area is generally depicted on Map J (Exhibit B) which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be

counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

Lorraine Road between SR 70 and University Parkway

SECTION 6. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary

Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in Exhibit D (revised 4/22/03), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 03-30. Preliminary Development Plan* applications for Phases 2, 3, and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in Exhibit D (revised 4/22/03). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in Exhibit D (revised 04/22/03), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development

Plan* submitted in advance of the schedule set forth in Exhibit D (revised 04/22/03).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land Development Code (LDC) **(Completed for the first 4,130 units and 203,500 square feet of commercial which are Phases I and II, and 1,320 units in Phase III).** Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J (Exhibit B). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in Exhibit D (revised 1/02/03).

C.(3) Approval of each Preliminary Development Plan* **(Completed for Phase I)** shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of

causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County s inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land Development Code (Ordinance 90-01), as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction

of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's * request that Relocated US-301 improvements as originally noted in Exhibit C , be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated US-301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median to discourage unsafe cross-traffic movements between these two commercial parcels.

C.(8) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road.

C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2),

335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Management Department (EMD) (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Management Department (EMD) or their successors) **(Completed)**. Construction monitoring shall be initiated at the beginning of construction **(Completed)** and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring

indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-302, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 432.1 acre parcel added to the DRI with Ordinance 02-34 and the additional 290.9 acre parcel added to the DRI with Ordinance 03-30, prior to commencement of any construction on this parcel. The County s Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

The Developer shall submit for review all available local and regional historical water quality data characterizing conditions in the proposed expansion area to the Florida Department of Environmental Protection (FDEP) and the Manatee County Environmental Management Department (EMD) within 90 days of the approval of Ordinance 03-30. These data shall be compiled in one document inclusive of tables with accompanying locational maps. Tables shall be in spreadsheet format, presented in hard copy and digital media. EMD and FDEP shall determine whether the historic water quality data submitted is sufficient to represent baseline conditions for the proposed development or, alternatively, may require a supplemental Ground Water Monitoring Plan (to be submitted in accordance with Chapter 62-522.600, F.A.C.) and/or supplemental Surface Water Monitoring Plan (to be submitted in accordance with Chapter 92-302, F.A.C.) to establish additional baseline conditions or environmental impacts for the development site.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC s) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed)**.

D.(3) In the event that any species listed in Rule 68A-27.003, Rule 68A-27.005, or Rule, 68A-27.004 Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Fish and Wildlife Conservation Commission

(F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.).

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1-acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities **(Completed)**.

A mesic hammock (9.3 acres) for the 374.1 acre parcel added to the DRI with Ordinance 00-06, as shown on revised Map H dated April 22, 2003, shall be preserved as habitat for the Sherman s Fox Squirrel **(Completed)**.

D.(4) All wetlands within the site are considered jurisdictional and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted. The only wetland impact permitted with the 432.1 acres added with the adoption of Ordinance 02-34, shall be the roadway crossing shown on Map H, and allow for piling supported structures for golf cart paths, in accordance with Section 719 of the LDC. Such structures shall be located as to minimize impacts to desirable vegetation. None of the 2.2 acre wetland on the 290.9 acre parcel added to the DRI with the adoption of Ordinance 03-30 shall be impacted. This shall be reviewed and approved by the Environmental Management Department prior to Final Site Plan approval.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on Exhibit E (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 4/22/03), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed

within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures on non single- family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

D.(15) The 326.1-acre addition (a.k.a. Taylor Ranch) of land added to the DRI with Ordinance 02-34, shall be subject to the following:

A. Upland preservation shall be provided by increasing the wetland buffer approximately twenty feet beyond the 30 foot (30') wetland buffer required by the Manatee County Land Development Code. Upland preservation areas

shall be delineated on the Final Site Plan.

B. Prior to commencement of construction within fifteen hundred feet (1500) of the eagle nest, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).

C. A permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to approval of the Erosion and Sediment Control Plan.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing

towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not

typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **(Completed for Phase I)**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning and Environmental Management Departments (EMD) (or their successors) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-302, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee s Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 62.302 , F.A.C. or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

a. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. Watt-wise Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;
b. Cross-ventilation;
c. Window orientation for the most efficient heating and cooling systems;
d. Solar heating and cooling systems; and
e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit A attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches, and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County s Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I **(Completed)**.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR Communities Joint Venture, A Florida General Partnership, its successors,

assigns or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22, 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director''s designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government s compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, significant development shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2014.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty-foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP

as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

H.(21) The Developer shall dedicate to Manatee County land for a recreational park consisting of approximately 15 acres, lying east of Lorraine Road, as identified on the General Development Plan dated April 22, 2003. Prior to dedication, the Developer shall construct those improvements which are indicated as "Developer Improvements" on that plan prepared by Wilson Miller, Inc., dated April 22,2003 and attached hereto as Exhibit G. Manatee County shall identify the park as a planned project within the park capital improvement plan as a condition precedent to the Developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Park and Recreation system. If the dedication and construction by Developer* meet this condition it shall be eligible for impact fee credits From the parks and recreation component.

SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

2. The proposed uses for the property include residential, open space, and a park *(NOPC Application/Page 3).*

3. The breakdown of the 290.9-acre addition is as follows: 173.0 acres - residential, 87.0 acres - "other open space," 16.1 acres road right-of-way and easements, and 14.8 acres - recreation *(Additional Information/Page 7).*

4. Lorraine Road will be added to the list of impacted transportation facilities identified within the Development Order *(Additional Information/Page 8).*

5. The acreage expansion is adding only one new access point. This access point is the intersection of Greenbrook Boulevard East with S.R. 70 *(Additional Information/Page 3).*

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded, or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (ADA, pgs. 19 and 21)

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.

- control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
- control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
- sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
- preserve natural land cover by selective clearing of the site.
- utilize water spray trucks in heavy construction traffic areas.
- design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
- preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (ADA, pp. 21-22).

3. The developer will apply the existing Development Order Conditions pertaining to wind and water soil erosion to the additional acreage *(ADA Responses/Page 15-2).*

4. Erosion problems will be mitigated for by the addition of energy attenuators (spreader swales, rip-rap or bubbler boxes) at future and temporary discharge points *(ADA Responses/Page 19-2).*

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-302 and Rule 62-4.242 (ADA, pg. 42) **[Completed for Phase I].**

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (ADA, pg. 43)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural fringe-area adjacent to the Braden River and three of the largest streams on-site, directly into the

contiguous stream. (ADA, pg. 45)

4. The planned use for the existing water will located within the 290.0-acre parcel is a secondary supplement for non-potable surface water irrigation system administered by the Braden River Utilities (*(ADA Responses/Page 17-2).*

5. Water used for irrigation will come from non-potable water sources including stormwater and surface water *(Additional Information/Pages 6 & 10).*

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwater will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

8. The jurisdictional ditch will be relocated within the same commercial parcel but further south to preserve the water quality and quantity functions of the system *(NOPC Application/Page 3).*

9. It should be noted that all on-site wetlands in the area added to the Cypress Banks DRI will be preserved, causing no net reduction in wading bird foraging habitat *(ADA Responses/Page 12-4).*

10. An average-width 50-foot wetland buffer will be observed around all on-site wetland areas. A minimum 30 foot buffer is required around all isolated wetlands in accordance with Manatee County Development Code *(ADA Responses/Pages 13-1 & 13-2).*

11. There are no wetland alterations proposed within the 290.9 acres to be added to the DRI

(ADA Responses/Page 13-2).

Floodplains

1. The main Zephyr lily and brown ladies tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

4. It has been determined that 0.59 acres of the 290.9-acre parcel is located within the 100-year floodplain. This acreage will generally be used for stormwater retention or left in its natural state (*ADA Responses/Page 16-1).*

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

1. There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

2. The developer controls the preserved marsh area outside of the DRI and plans to preserve this area *(Additional Information/Page 6)*.

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

A parcel of land lying in Sections 17, 20, 21, 22, 23, 27, 28, 29, 32, and 33, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Begin at the northwest corner of said Section 20, said section corner also being the common corner of Sections 17, 18, and 19; thence N.00°34'52"E. along the west line of said Section 20, a distance of 140.67 feet to a point on the southerly right-of-way of State Road 70; the following 9 calls are along said southerly right-of-way of State Road 70; thence S.70°26'04"E., a distance of 373.46 feet to the point of curvature of a curve to the left having a radius of 2,041.86 feet and a central angle of 18°21'30"; thence easterly along the arc of said curve, an arc length of 654.24 feet to the point of tangency of said curve; thence S.88°47'34"E., a distance of 4,362.42 feet; thence S.89°43'34"E., a distance of 1,575.96 feet; thence S.89°42'03"E., a distance of 2,821.50 feet to Point "A"; thence S.89°19'57"E., a distance of 1,464.40 feet; thence S.89°21'15"E., a distance of 3,754.54 feet to the point of curvature of a curve to the right having a radius of 1,777.86 feet and a central angle of 34°24'33"; thence easterly along the arc of said curve, an arc length of 1,067.70 feet to the point of tangency of said curve; thence S.54°56'41"E., a distance of 821.49 feet; thence S.37°00'30"W., a distance of 306.68 feet; thence S.11°59'28"W., a distance of 271.56 feet; thence S.38°13'49"E., a distance of 139.09 feet; thence S.08°47'40"W., a distance of 153.43 feet; thence S.49°56'25"W., a distance of 228.41 feet; thence N.50°07'45"W., a distance of 125.37 feet; thence N.26°43'33"E., a distance of 224.96 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 88°54'40"; thence northerly along the arc of said curve, an arc length of 155.18 feet to the point of tangency of said curve; thence N.62°11'08"W., a distance of 197.43 feet; thence S.61°14'22"W., a distance of 113.08 feet; thence S.24°22'30"W., a distance of 201.08 feet; thence S.00°06'50"W., a distance of 135.65 feet; thence S.50°25'21"E., a distance of 348.47 feet; thence S.35°53'49"W., a distance of 417.52 feet; thence N.56°57'53"W., a distance of 139.47 feet; thence N.83°51'29"W., a distance of 332.08 feet; thence S.32°20'46"W., a distance of 368.15 feet; thence S.15°20'53"W., a distance of 147.34 feet; thence S.53°47'33"W., a distance of 231.66 feet; thence S.76°15'16"W., a distance of 235.33 feet; thence S.46°31'18"W., a distance of 195.52 feet; thence S.33°58'26"W., a distance of 687.37 feet; thence S.37°35'20"W., a distance of 294.52 feet; thence S.52°24'58"W., a distance of 284.05 feet; thence S.75°39'49"W., a distance of 461.38 feet; thence S.74°49'49"W., a distance of 163.40 feet; thence S.63°21'56"W., a distance of 148.94 feet; thence S.44°11'27"W., a distance of 241.21 feet; thence S.63°21'55"W., a distance of 439.23 feet; thence S.81°03'05"W., a distance of 234.09 feet; thence S.57°35'22"W., a distance of 178.26 feet; thence S.69°59'29"W., a distance of 317.24 feet; thence S.80°03'53"W., a distance of 275.24 feet; thence N.81°49'22"W., a distance of 263.52 feet; thence N.67°11'02"W., a distance of 629.23 feet to the point of curvature of a non-tangent curve to the left, of which the radius

point lies S.82°00'55"E., a radial distance of 2,880.00 feet; thence southerly along the arc of said curve, through a central angle of 07°28'45", an arc length of 375.94 feet to the point of tangency of said curve; thence S.00°30'20"W., a distance of 354.96 feet; thence S.00°51'27"W. along a line 120 feet easterly of and parallel with the westerly line of Section 27, a distance of 5,313.84 feet to a point on the southerly line of said Section 27; thence S.89°57'56"W. along the southerly line of said Section 27, a distance of 120.02 feet to the southeast corner of Section 28; thence N.89°30'25"W. along the south line of said Section 28, a distance of 2,662.03 feet to the south 1/4 corner of said Section 28; thence N.00°45'47"E. along the west line of the east ½ of said Section 28, a distance of 1,236.76 feet; thence N.89°31'24"W. along a line 4,077.34 feet southerly of and parallel with the north line of said Section 28, a distance of 2,614.09 feet; thence S.00°40'06"W., a distance of 221.36 feet to the point of curvature of a curve to the left having a radius of 600.00 feet and a central angle of 73°58'28"; thence southeasterly along the arc of said curve, an arc length of 774.66 feet to the point of reverse curvature of a curve to the right having a radius of 550.00 feet and a central angle of 59°36'16"; thence southeasterly along the arc of said curve, a distance of 572.16 feet to the end of said curve; thence S.76°17'54"W., a distance of 33.84 feet to the northeast corner of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of the Public Records of Manatee County, Florida; the following 7 calls are along the North line of said Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles; thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.01°16'23"E., a radial distance of 58.00 feet; thence westerly along the arc of said curve, through a central angle of 24°50'30", an arc length of 25.15 feet to the point of tangency of said curve; thence N.26°06'53"W., a distance of 49.82 feet; thence S.72°30'29"W., a distance of 161.83 feet; thence N.17°29'31"W., a distance of 20.40 feet; thence S.72°30'29"W., a distance of 190.11 feet; thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 33 of the aforementioned Public Records; thence S.90°00'00"W. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of the aforementioned Public Records, a distance of 2,269.90 feet; thence S.23°47'43"W. along the west line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; the following 2 calls are along said northerly line; thence N.60°40'54"W., a distance of 184.30 feet; thence N.36°55'37"W., a distance of 85.33 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the aforementioned Public Records; the following 3 calls are along said easterly line; thence N.01°20'47"E., a distance of 240.50 feet; thence N.58°34'00"W., a distance of 423.22 feet; thence N.00°29'35"E., a distance of 166.41 feet to a point on the south line of Section 29; thence N.89°30'25"W. along said south line, a distance of 1,269.55 feet to the south 1/4 corner of the southwest 1/4 of said Section 29; thence N.00°29'12"E. along the east line of the west ½ of said southwest 1/4 of Section 29, a distance of 2,658.57 feet to the north 1/4 corner of said southwest 1/4 of Section 29; thence N.89°30'30"W. along the south line of the northwest 1/4 of said Section 29, a distance of 120.00 feet; thence S.00°29'12"W., a distance of 48.63 feet; thence N.89°30'48"W., a distance of 469.77 feet; thence N.61°13'40"W., a distance of 51.46 feet; thence S.85°03'09"W., a distance of 131.05

feet; thence S.33°11'55"W., a distance of 59.75 feet; thence N.46°13'24"W., a distance of 141.12 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.46°13'24"E., a radial distance of 295.00 feet; thence southwesterly along the arc of said curve, through a central angle of 15°08'34", an arc length of 77.97 feet to the point of tangency of said curve; thence N.61°21'58"W., a distance of 186.34 feet; thence S.26°03'03"W., a distance of 41.16 feet; thence N.89°30'30"W., a distance of 211.38 feet; thence N.00°22'41"E., a distance of 2,656.57 feet; thence N.00°35'50"E., a distance of 5,298.78 feet to the POINT OF BEGINNING.

Said parcel contains 2,941.9507 Acres, more or less.

Less and excepting the following parcel of land.

Commence at the Point "A"; thence S.89°21'15"E., a distance of 1,728.68 feet; thence S.00°39'03"W., a distance of 899.59 feet; thence N.89°20'57"W., a distance of 252.76 feet to the POINT OF BEGINNING; thence S.00°21'00"W., a distance of 290.63 feet; thence S.89°20'05"E., a distance of 488.16 feet; thence S.00°39'03"W., a distance of 1,207.55 feet to the point of curvature of a curve to the left having a radius of 499.89 feet and a central angle of 34°47'32"; thence southerly along the arc of said curve, an arc length of 303.55 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.36°29'56"W., a radial distance of 1,350.00 feet; thence westerly along the arc of said curve, through a central angle of 68°49'32", an arc length of 1,621.66 feet to the point of tangency of said curve; thence N.57°40'25"W., a distance of 88.97 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 90°00'00"; thence northerly along the arc of said curve, an arc length of 78.54 feet to the point of tangency of said curve; thence N.32°19'35"E., a distance of 30.16 feet to the point of curvature of a curve to the left having a radius of 2,735.00 feet and a central angle of 31°55'30"; thence northerly along the arc of said curve, an arc length of 1,523.93 feet to the point of tangency of said curve; thence N.00°24'05"E., a distance of 267.14 feet; thence S.89°20'57"E., a distance of 615.06 feet to the POINT OF BEGINNING.

Said parcel contains 54.1034 acres, more or less.

Net Area is 2,887.9 Acres, more or less.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not downzone or reduce

the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term down-zone shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 11. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 13. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING:

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 15. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 02-34 during the pendency of any appeal.

SECTION 16. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, and Ordinance 02-34 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this 22nd day of April, 2003 .

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By:_____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

ATTEST: By Susan Romine

R.B. SHORE
Clerk of the Circuit Court

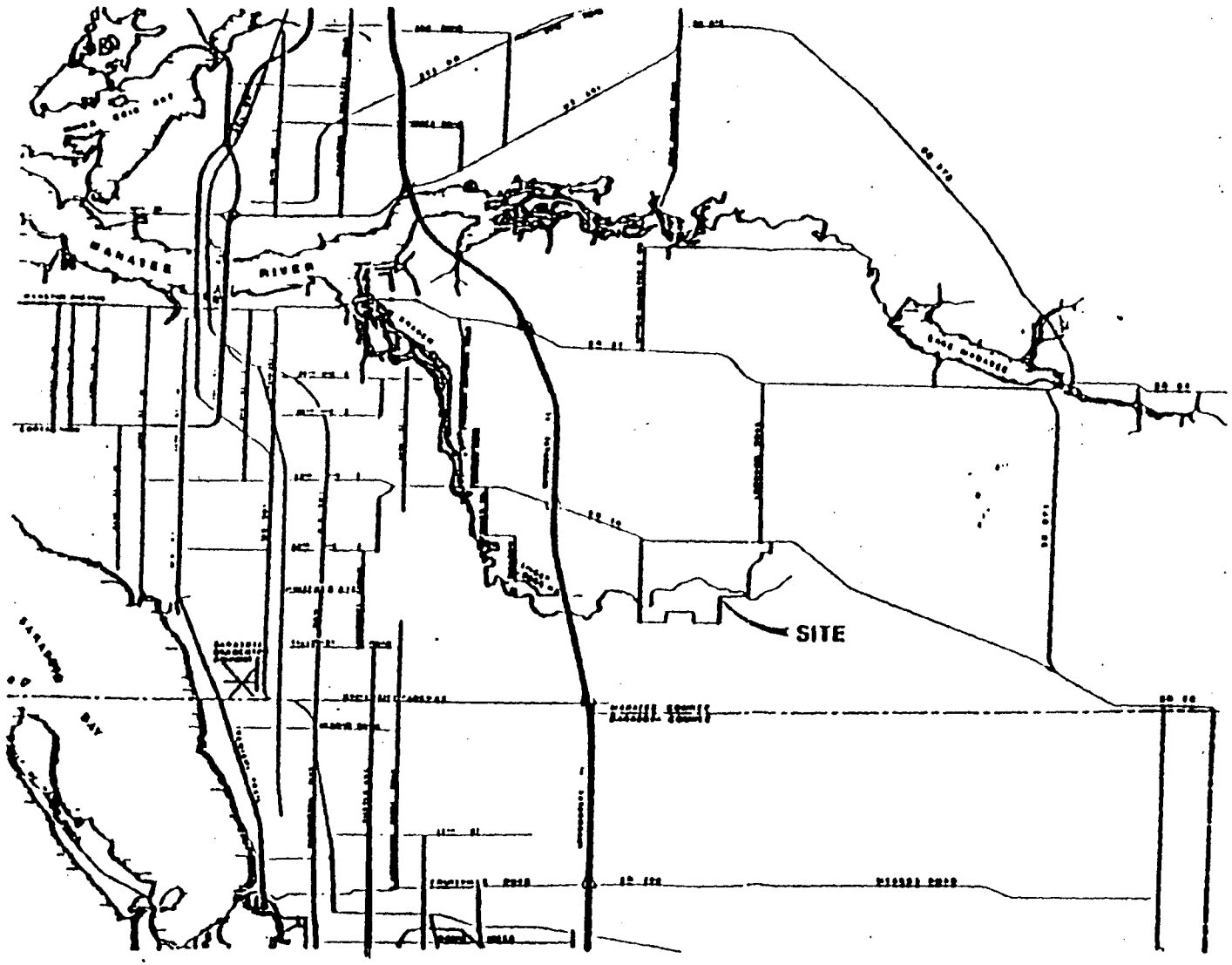


EXHIBIT 9
MAP J

TRANSPORTATION NETWORK

CYPRESS BANKS

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections		
S.R. 70 @ Caruso Rd.		
Add eastbound left-turn lane to mitigate.		
Add eastbound and westbound through to restore.		
**Planned Programmed Improvement.		
S.R. 70 @ 45th Street		
Add eastbound and westbound through lane to mitigate and restore		
**Planned Programmed Improvement.		
Site Access:		
S.R. 70 @ West Entrance:	100	
Signalize, add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane.		
S.R. 70 @ Middle Entrance:	100	
Add northbound left-turn/right-turn lane, unsignalized.		
Fwy Ramp Intersections:		
I-75 @ S.R. 70		
Signalize. Eastbound intersection		8.9
Westbound intersection		8.3
Links:		
53rd Ave. (S.R. 70)		
U.S. 301 to 45th St.:	5.4	
4-lane undivided to 6-lane divided		
S.R. 70		
45th St. to Caruso Rd.:	10.9	
4-lane undivided to 6-lane divided		

Links (continued):

S.R. 70
Caruso Rd. to I-75: 13.8
2-lane rural to 4-lane undivided

University Pkwy.
Planned Honore Rd. to I-75:
2-lane rural to 6-lane divided.
**Planned Program Improvement.

Fruitville Rd.
McIntosh Rd. to I-75:
2-lane rural to 4-lane divided.
**Planned Programmed Improvement.

EXHIBIT C (Continued)
(REVISED)
Phase II

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

Links:

S.R. 70 I-75 to West Project Entrance: 2-lane rural to 6-lane divided.	143.0
S.R. 70 Westerly Project Entrance to Lorraine Rd: 2-lane rural to 4-lane divided.	90.2-113.4
University Pwky. Rel. 301 to Lockwood Ridge Rd.: 2-lane undivided to 4-lane divided (Planned Programmed Improvement)	8.8
University Pwky. Lockwood Ridge Rd. to planned Honore Rd.: 2-lane rural to 6-lane divided.	8.8
University Pwky. Planned Honore Rd. to I-75: 6-lane divided to 6-lane expressway.	16.0
I-75 S.R. 70 to University Pwky.: 6-lane freeway to 8-lane freeway	13.7
I-75 University Pwky. to Fruitville Rd.: 6-lane freeway to 8-lane freeway.	6.9
S.R. 64 Morgan, Johnson Rd. to I-75 2-lane undivided to 4-lane divided. (Programmed for 4-lane prior to end of Phase I)	

Links (continued):

U.S. 301
1st St. to 15th St.:
2-lane undivided to 4-lane divided.

Fruitville Rd.
Tuttle Ave. to McIntosh Rd.:
2-lane rural to 4-lane undivided.
(Programmed 6-lane prior to end of Phase I)

Fruitville Rd.
McIntosh Rd. to I-75:
4-lane divided to 6-lane divided.
(Programmed 6-lane prior to end of Phase I)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Grade Separation		
* U.S. 301 and 53rd Avenue East		8.6

EXHIBIT C (Continued)
(REVISED)
Phase III

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

Links (continued):

University Pkwy.		
Lockwood Rige Rd. to planned Honore Rd.:	11.1	
6-lane divided to 6-lane expressway.	(7.3)	
University Pkwy.		
Planned Honore Rd. to I-75:	20.3	
6-lane expressway to 8-lane expressway.	(10.9)	
I-75		
S.R. 70 to University Pkwy.:	17.4	
8-lane freeway to 10-lane freeway.	(13.1)	
I-75		
University Pkwy. to Fruitville Rd.:	8.7	
8-lane freeway to 10-lane freeway.	(6.5)	
Fruitville Rd.		
0.5 mi. E. of Lockwood Ridge Rd. to I-75:	9.2	
4-lane divided to 6-lane expressway.		
*9th Street West		
1st Street to 53rd Avenue East	14.9	
4-lane divided arterial		

Grade Separations:

*S.R. 70 @ Caruso Rd.	14.4
*S.R. 70 @ 45th Street	10.3
*Relocated 301 & 53rd Ave (S.R. 70)	5.9

Additional Link:

Washington Boulevard.	
DeSoto Road to Fruitville Road	5.7
6-lane divided arterial	

EXHIBIT C (Continued)
(REVISED)
Phase IV

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

Links:

S.R. 70 45th Street East to Caruso Rd.: 6-lane divided to six-lane expressway.	61.0 (21.2)
S.R. 70 Middle Entrance to Lorraine Rd.: 4-lane divided to 6-lane divided.	116.0 (68.2)
*University Pkwy. Planned Honore Rd. to I-75: 8-lane expressway to 8-lane freeway	24.6 (9.9)
I-75 S.R. 70 to University Pkwy.: 10-lane freeway to 12-lane freeway,	21.1
I-75 University Pkwy. to Fruitville Rd.: 10-lane freeway to 12-lane freeway	10.6

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that the Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meets the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

EXHIBIT D

JANUARY 2, 2003

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)**	203,500 s.f. (Community Shopping)	Second Golf Course	1,405
III (January 7, 2003 - August, 2010)	10,174 sq. ft. (Community Shopping)		1,406
IV (August 7, 2003 - 2014)			1,285
TOTAL	**213,674 s.f.**		**5,501**

** Note: The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

***-* This date is being advanced to reflect the developer s compliance with Stipulation B(4), which authorizes commencement of Phases 2, 3 & 4 in advance of the Schedule established in the original Exhibit D.

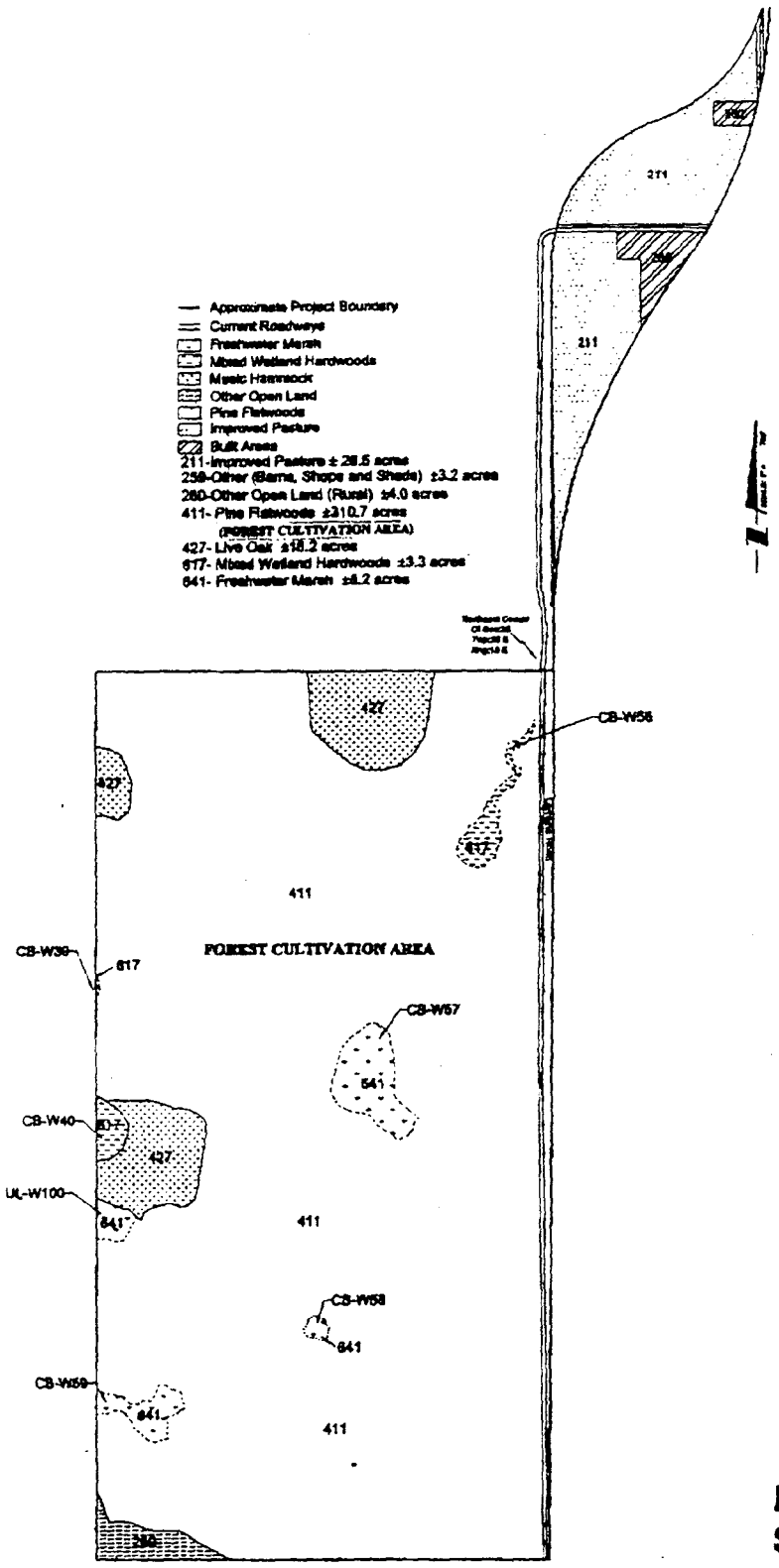
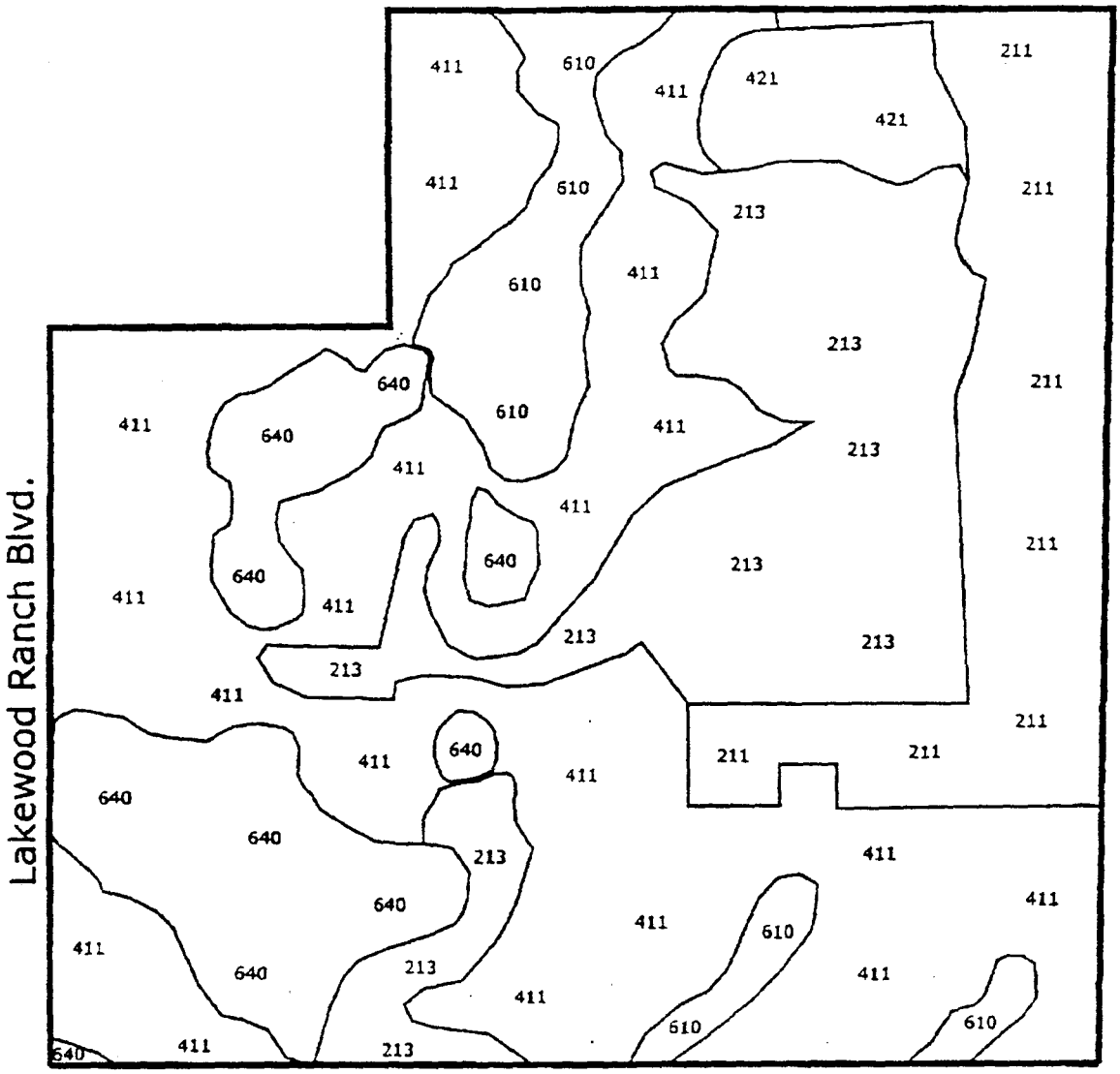


Exhibit E
Sheet 1 of 2
1/02/03

Cypress Banks
NOPC Additional Lands
January, 2000

Map F
Vegetation Associations

Environmental Affairs Consultants, Inc.
P.O. Box 337
Palmetto, Florida 34220
Office: (941) 722-0367
Fax: (941) 722-2948



Map F

Legend:

— Project Boundary
211 Improved Pasture (± 49.18 ac.)
213 Woodland Pasture (± 50.71 ac.)(Forest Cultivation Area)
411 Pine Flatwoods (± 149.87 ac.)(Forest Cultivation Area)
421 Xeric Oak (± 11.62 ac.)(Forest Cultivation Area)
610 Wetland Hardwood Forest (± 23.35 ac.)
640 Vegetated Non-Forested Wetland (± 40.27 ac.)

Exhibit E
Sheet 2 of 2
1/02/03

Fri, 25 Apr 2003 - 1:02pm
H:\Vivent\Pla\S2650\SS\recieved\taylor ranch\Map F-ExhibitE.dwg

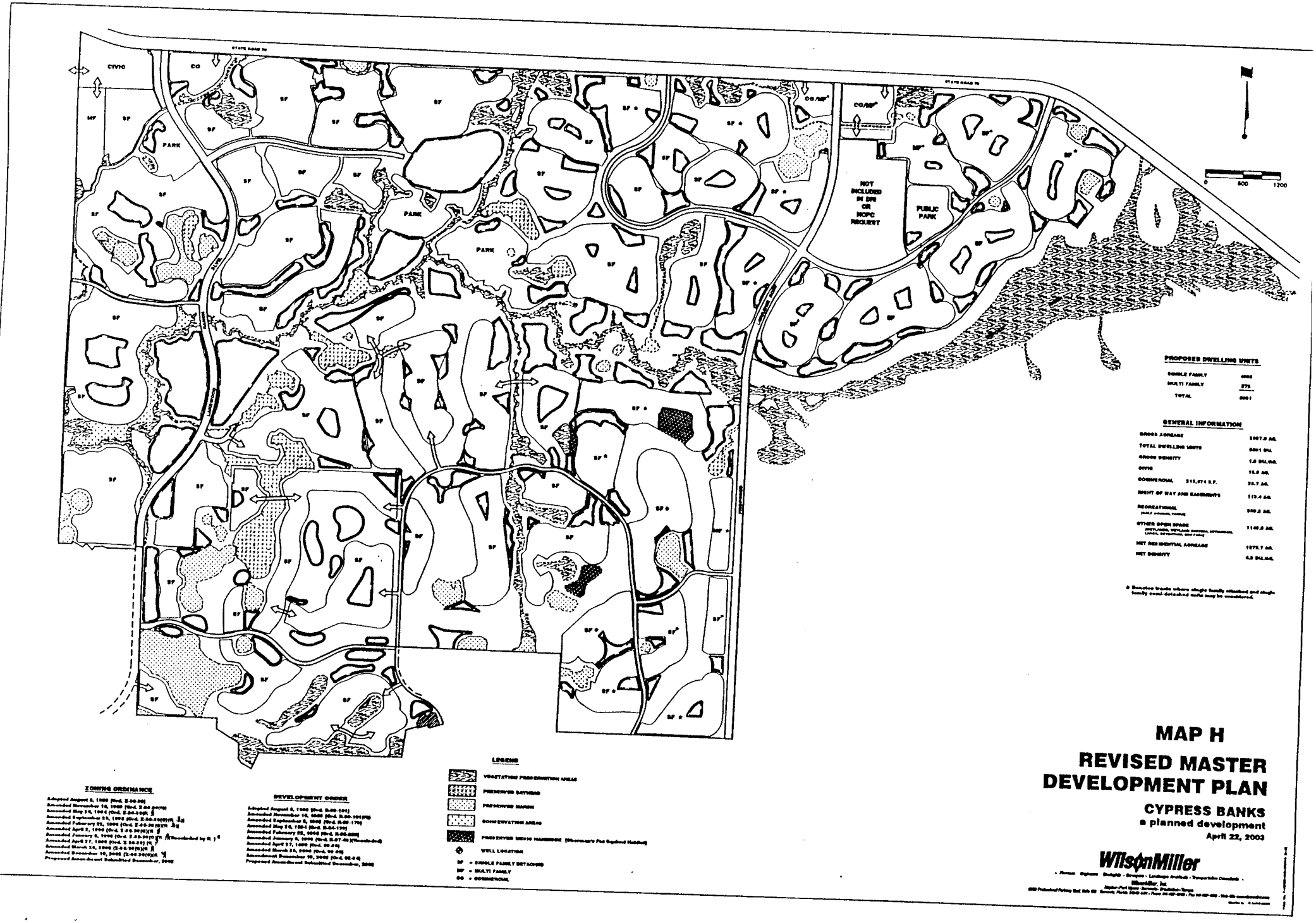
HENSLICK, SEAGLE & ASSOCIATES, INC.
1748 Independence Blvd.
Suite E-7
Sarasota, Florida 34234
Phone:(941) 351-7728
Facsimile:(941) 351-8359

Client: Neal Communities
Project: Cypress Banks DRI
Notice of Proposed Change
Title: Map F
Date: April 5, 2002
File: F:\Neal\Taylor Parcel\DRI Expansion.dwg

Drawn by: Craig Wolfe
Date Drawn: 04-05-02
Sec:32 Twp:35 S Rng:19 E
Not to Scale

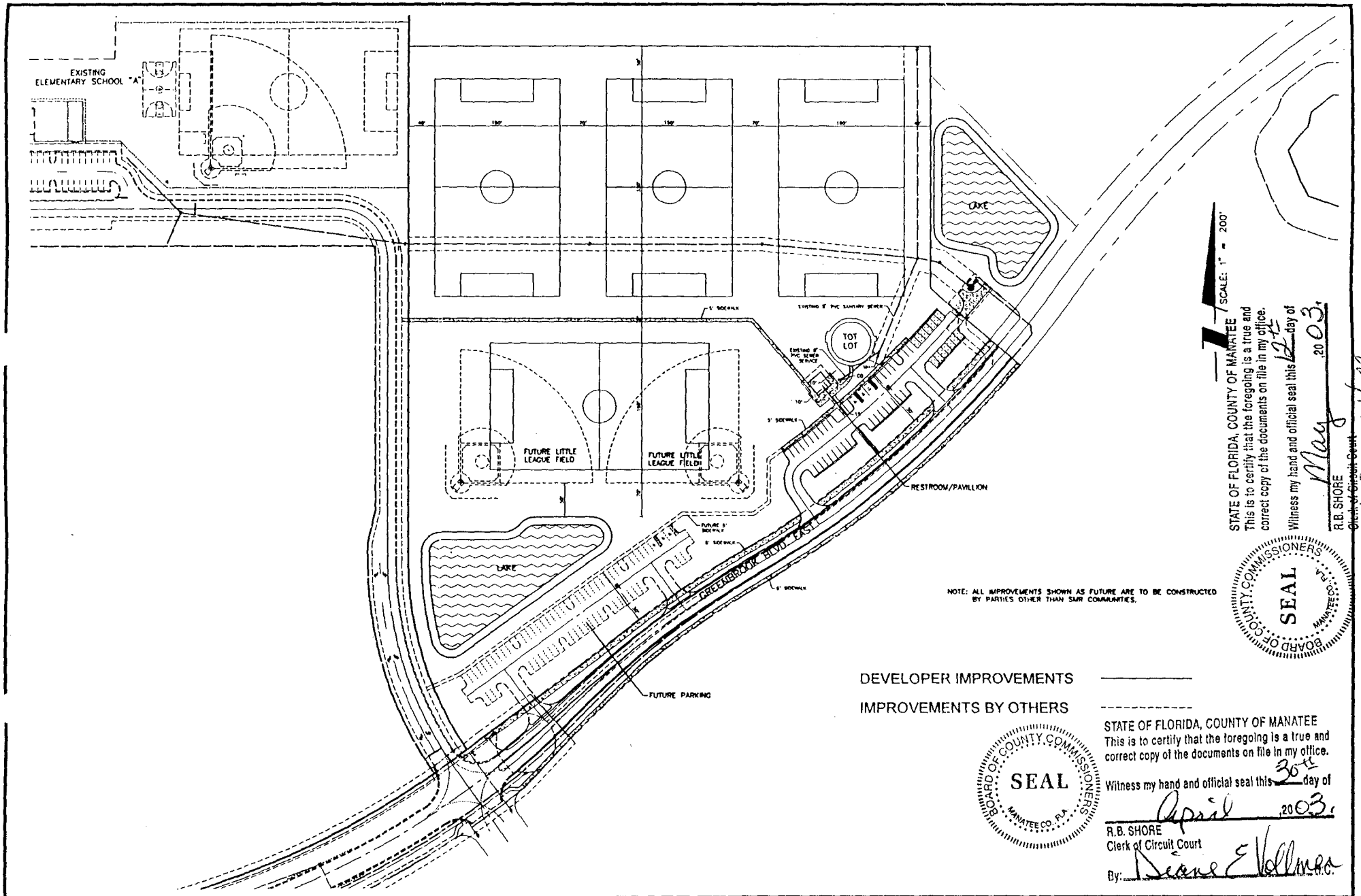
N

Sheet
1 of 1



CIVIC
CO
MF
SF
PARK
NOT INCLUDED IN DRI OR NCPC REQUEST
PUBLIC PARK
0
600
1200
PROPOSED DWELLING UNITS
SINGLE FAMILY
MULTI FAMILY
TOTAL
GENERAL INFORMATION
GROSS ACREAGE
TOTAL DWELLING UNITS
GROSS DENSITY
CIVIC
COMMERCIAL
RIGHT OF WAY AND EASEMENTS
RECREATIONAL
OTHER OPEN SPACE
NET RESIDENTIAL ACREAGE
NET DENSITY
LEGEND
VEGETATION PRESERVATION AREAS
PRESERVED BAYHEAD
PRESERVED MARSH
CONSERVATION AREAS
WELL LOCATION
SF = SINGLE FAMILY DETACHED
MF = MULTI FAMILY
CO = COMMERCIAL
ZONING ORDINANCE
DEVELOPMENT ORDER
MAP H
REVISED MASTER DEVELOPMENT PLAN
CYPRESS BANKS
a planned development
April 22, 2003
WilsonMiller

Exhibit F



WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee

1101 Channelside Drive, Suite 400N • Tampa, Florida 33602 • Phone: 813-223-9500 • Fax: 813-223-0009 • Web Site: www.wilsonmiller.com

CLIENT: SMR COMMUNITIES	DATE: 4/22/03	TITLE: EXHIBIT G	
	HORIZONTAL SCALE: 1" = 200'		
PROJECT: GREENBROOK EAST COUNTY PARK	VERTICAL SCALE: N.A.		
	SEC: 22 TWP: 35S RGE: 19E	FILE:	PROJECT NUMBER: S2670-550-003

Feb 24, 2003 - 10:00:40 DMLADOWS\X:\Pla\S2670\E9\2670e9xG.dwg

#130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0400 0024 5577 2382

December 27, 2002

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Schroeder-Manatee Ranch, Inc./Cypress Banks

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 02-34, the Development Order for Schroeder-Manatee Ranch, Inc./Cypress Banks, as adopted in open session by the Manatee County Board of County Commissioners on December 10, 2002, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 02-34

FILED FOR RECORD
R. B. SHORE
2002 DEC 31 AM 8: 35
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERCEDING ORDINANCE 00-06 WHICH REPLACED ORDINANCE 99-25, WHICH REPLACED RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SCHROEDER MANATEE RANCH, INC. (SMR COMMUNITIES JOINT VENTURE, A FLORIDA GENERAL PARTNERSHIP), FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO REVISE THE LEGAL DESCRIPTION TO REFLECT THE ADDITION OF 432.1 ACRES, AMEND THE INTERNAL ROADWAY NETWORK, INCREASE THE RESIDENTIAL ACREAGE BY 153.9 ACRES WITH NO ADDITIONAL DWELLING UNITS, INCREASE THE OPEN SPACE ACREAGE BY 174.8 ACRES AND INCREASE THE RECREATIONAL ACREAGE BY 112.4 ACRES, AMEND MAP H TO REFLECT THE CHANGES IN THE LEGAL DESCRIPTION, PROJECT BOUNDARIES, ADDITIONAL RESIDENTIAL AND OPEN SPACE ACREAGE, AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING AN EFFECTIVE DATE.

SECTION 1:

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as Cypress Banks or the Development; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments, and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, on September 28, 1995 and January 25, 1996 the Board of County Commissioners held a public hearing to consider the foregoing; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ±0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, On March 28, 2000 the Board Of County Commissioners approved Ordinance 00-06 which changed the legal description by adding approximately 374.1 acres, which includes~~d~~ an additional 75.9 acres of residential acreage with no additional dwelling units, 250.2 acres of open space, and 48 acres for right-of way and easements, added two access points onto State Road 70

to serve the approved commercial parcels located on the east and west side of Lorraine Road, amended Map H to reflect the new boundaries of the legal description, additional residential and open space acreage, and the 2 additional access points onto State Road 70; and

WHEREAS, the Developer now requests that the Development Order for Cypress Banks be further amended to provide for a change to the legal description for the addition of approximately 432.1 acres, which includes an additional 153.9 acres of residential acreage with no additional dwelling units and 174.8 acres of open space and 112.4 acres of recreational acreage, amend the internal roadway network, and amend Map H to reflect the new boundaries of the legal description including the additional residential and open space acreage; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the proposed changes to (1) add 432.1 acres to the DRI, (2) amend the internal roadway network, (3) add 153.9 acres of residential acreage with no additional dwelling units, (4) add 174.8 acres of open space, and (5) amend Map H to reflect the new boundaries of the legal description and the additional residential and open space acreage; are presumed to be a Substantial Deviation pursuant to Subsection 380.06 (19)(e)3., Florida Statutes. However, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs have no objection because these changes to the project will not result in additional regional impacts; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 10th DAY OF DECEMBER, 2002 AS FOLLOWS:

SECTION 2. FINDINGS OF FACT:

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

A. WHEREAS clauses preceding this section are adopted as findings of fact.

B. SMR Communities Joint Venture, A Florida General Partnership, hereinafter referred to as one of the Developers, previously submitted to Manatee County, Florida, an Application for Development Approval (ADA) and Sufficiency Responses which are attached hereto and marked Composite Exhibit A and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 00-06 and has also submitted the requested amendment identified as Ordinance 02-34. Hereinafter, the word Application shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for

R-92-170, R-94-133, R-95-220, Ordinance 99-25, Ordinance 00-06, and the requested change Ordinance 02-34 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The said Board of County Commissioners held a Public Hearing on October 22, 2002 regarding said proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at Public Hearing.

F. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 as amended, the 2020 Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Cypress Banks DRI is Tim Martin, Vice President, Schroeder Manatee Ranch, Inc., 6215 Lorraine Road, Bradenton, Florida 34202.

I. The owners of the property, which SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company intend to develop, are Schroeder-Manatee Ranch, Inc., Locust Valley Investments, L.L.C., and Arvida Corporate Park Associates as well as individual lot owners within areas which have been platted. The new acreage (432.1 acres) is currently owned by Schroeder Manatee Ranch, Inc. (106.1 acres) Locust Valley Investments, L.L.C., and Arvida Corporate Park Associates (325 acres).

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA).

K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220 Ordinance 99-25 and Ordinance 00-06 have been amended, replaced, and superceded in their entirety by this Ordinance.

L. The proposed changes filed by SMR Communities Joint Venture, Inc. on May 2, 2002, as approved, do not constitute a Substantial Deviation to the Cypress Banks DRI.

SECTION 3. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated November 4, 2002 and those of the Department of Community Affairs dated October 18, 2002, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	2,164.9	2,597.0	432.1
COMMERCIAL SQUARE FOOTAGE	203,500 sq. ft./ 29.7 acres	0	0
RECREATIONAL (GOLF COURSES, PARKS, AND	182.4	294.4	+112.0

MAINTENANCE FACILITY)

OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	885.6	1,056.0	+170.4-
NET RESIDENTIAL ACREAGE	946.8	1,100.7	+153.9
SINGLE FAMILY UNITS	4,923		0
MULTI-FAMILY UNITS	578		0

EXISTING AND PROPOSED LAND USES FOR THE ADDITIONAL 432.1 ACRES ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 02-34

Based on Florida Land Use, Cover, and Form Classification System - Level III

		Existing		Proposed	
	Land Use	Acreage	% of Site	Acreage	% of Site
110 - 136	Residential	0	0	139.6	32.3
182	Golf Course	0	0	113.6	26.3
211	Improved Pasture	35.0	8.1	0	0
213	Woodland Pasture	58.8	13.6	0	0
214	Row Crops	45.6	10.5	0	0
411	Pine Flatwoods	192.6	44.6	39.0	9.1
421	Xeric Oak	11.6	2.7	0	0
510	Stream & Waterways	0.1	<0.1	0	0
524	Lakes < 10 Acres	0	0	45.9	10.6
615	Streams & Lake Swamps	36.5	8.4	34.8	8.1
617	Mixed Wetland Hardwoods	4.3	1.0	4.3	1.0
641	Freshwater Marsh	41.8	9.7	41.8	9.7
643	Wet Prairies	5.8	1.3	5.8	1.3
814	Roads	0	0	7.3	1.6
	Total	**432.1**	**100**	**432.1**	**100**

SECTION 5. DEFINITIONS:

Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as Map H which is attached to this Ordinance as Exhibit "F" (revised 12/9/99) and which replaces the previous Map H (revised 3/15/99). Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the Master Development Plan* and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR Communities Joint Venture, A Florida General Partnership and Wilmington Land Company, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process or construction plan approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised May 2002) as set forth on Exhibit F hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses:

203,500 square foot shopping center, 5,501 residential units, and 294.8 acres for golf courses and parks.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and Exhibit C , to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service D Peak Hour. This area is generally depicted on Map J (Exhibit B) which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

SECTION 6. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in Exhibit D (revised 4/27/99), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 02-34. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in Exhibit D (revised 4/27/99). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval,

failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in Exhibit D (revised 4/27/99), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. **(Completed for Phase 2.)** Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in Exhibit D (revised 4/27/99).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land Development Code (LDC) **(Completed for the first 1,405 units which are Phase I).** Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J (Exhibit B). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in Exhibit D (revised 4/27/99).

C.(3) Approval of each Preliminary Development Plan* **(Completed for Phase I)** shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County s inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of

Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land Development Code, (Ordinance 90-01) as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County s Transportation Improvement Plan.

C.(6) Pursuant to the Developer s* request that Relocated 301 improvements as originally noted in Exhibit C , be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median to discourage unsafe cross-traffic movements between these two commercial parcels.

C.(8) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road.

C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2), 335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Management Department (EMD) (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Management Department (EMD) or their successors) **(Completed)**. Construction monitoring shall be initiated at the beginning of construction **(Completed)** and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 432.1 acre parcel added to the DRI with Ordinance 02-34, prior to commencement of any construction on this parcel. The County s Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council

(TBRPC s) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed for Phase 1)**.

D.(3) In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.).

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1-acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities.

A mesic hammock (9.3 acres) for the 374.1 acre parcel added to the DRI with Ordinance 00-06, as shown on revised Map H dated May 2002, shall be preserved as habitat for the Sherman s Fox Squirrel.

D.(4) All wetlands within the site are considered jurisdictional and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted. The only wetland impact permitted with the 432.1 acres added with the adoption of Ordinance 02-34, shall be the roadway crossing shown on Map H, and allow for piling supported structures for golf cart paths, in accordance with Section 719 of the LDC. Such structures shall be located as to minimize impacts to desirable vegetation. This shall be reviewed and approved by the Environmental Management Department prior to Final Site Plan approval.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on Exhibit E (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 3/21/2000), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures on non single-family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

D.(15) The 326.1-acre addition (a.k.a. Taylor Ranch) of land added to the DRI with Ordinance 02-34, shall be subject to the following.

A. Upland preservation shall be provided by increasing the wetland buffer approximately twenty feet beyond the 30 foot (30') wetland buffer required by the Manatee County Land Development Code. Upland preservation areas shall be delineated on the Final Site Plan.

B. Prior to commencement of construction within fifteen hundred feet (1500) of the eagle nest, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).

C. A permit for gopher tortoises shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to approval of the Erosion and Sediment Control Plan.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County **(Completed)**.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-

development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **(Completed for Phase I)**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County s Planning and

Environmental Management Department (EMD) (or their successor) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-3, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee s Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect

seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. Watt-wise Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

b. Cross-ventilation;

c. Window orientation for the most efficient heating and cooling systems;

d. Solar heating and cooling systems; and

e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit A attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches, and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County s Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the

dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I **(Completed for Phase 1)**.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR Communities Joint Venture, A Florida General Partnership, its successors, assigns or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22, 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit

an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer s* and the local government s compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was

recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, significant development shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2014.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty-foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing

Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council 's Strategic Regional Policy Plan, Manatee County 's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded, or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (ADA, pgs. 19 and 21)

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.
   - control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
   - control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
   - sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
   - preserve natural land cover by selective clearing of the site.
   - utilize water spray trucks in heavy construction traffic areas.
   - design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
   - preserve the existing natural vegetation along the Braden River, Wolf Slough and

other unnamed tributaries. (ADA, pp. 21-22).

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-3 and Rule 62-4.242 (ADA, pg. 42) **[Completed for Phase I].**

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (ADA, pg. 43)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural fringe-area adjacent to the Braden River and three of the largest streams on-site, directly into the contiguous stream. (ADA, pg. 45)

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwater will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

Floodplains

1. The main Zephyr lily and brown ladies tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the

Developer's expense. (S.R., pg. 1)

Energy

1. There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

A parcel of land lying in Sections 17, 20, 21, 22, 27, 28, 29, 32 , and 33, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Begin at the Northwest corner of said Section 20, said Section corner also being the common corner of Sections 17, 18 and 19; thence N.00°35'47"E. along the West line of said Section 20, a distance of 140.67 feet to a point on the Southerly Right-of-way of State Road 70; (the following 6 calls are along said Southerly Right-of-way of State Road 70); thence S.70°24'24"E., a distance of 373.46 feet to the point of curvature of a curve to the left having a radius of 2,041.86 feet and a central angle of 18°21'30"; thence easterly along the arc of said curve, an arc length of 654.24 feet to the point of tangency of said curve; thence S.88°45'54"E., a distance of 4,362.42 feet; thence S.89°41'54"E., a distance of 1,575.96 feet; thence S.89°42'03"E., a distance of 2,821.50 feet; thence S.89°19'57"E., a distance of 3,193.08 feet; thence S.00°39'03"W., a distance of 898.94 feet; thence N.89°20'57"W., a distance of 867.82 feet; thence S.00°24'05"W., a distance of 267.14 feet to the point of curvature of a curve to the right having a radius of 2,735.00 feet and a central angle of 31°55'30"; thence southerly along the arc of said curve, an arc length of 1,523.93 feet to the point of tangency of said curve; thence S.32°19'35"W., a distance of 790.03 feet to the point of curvature of a curve to the left having a radius of 2,880.00 feet and a central angle of 31°49'15"; thence southerly along the arc of said curve, an arc length of 1,599.49 feet to the point of tangency of said curve; thence S.00°30'20"W., a distance of 355.33 feet; thence S.00°51'26"W. along a line 120 feet Easterly of and parallel with the Westerly line of Section 27, a distance of 5,313.46 feet to a point on the Southerly line of said Section 27; thence S.89°57'56"W. along the Southerly line of said Section 27, a distance of 120.02 feet to the Southeast corner of Section 28; thence N.89°30'25"W. along the South line of said Section 28, a distance of 2,662.03 feet to the south 1/4 corner of said Section 28; thence N.00°45'47"E. along the West line of the East ½ of said Section 28, a distance of 1,236.76 feet; thence N.89°31'24"W. along a line 4,077.34 feet Southerly of and parallel with the North line of said Section 28, a distance of 2,614.09 feet; thence S.00°40'06"W., a distance of 221.36 feet to the point of curvature of a curve to the left having a radius of 600.00 feet and a central angle of 73°58'28"; thence southeasterly along the arc of said curve, an arc length of 774.66 feet to the point of reverse curvature of a curve to the right having a radius of 550.00 feet and a central angle of 59°36'16"; thence southeasterly along the

arc of said curve, a distance of 572.16 feet to the end of said curve; thence S.76°17'54"W., radial to the last described curve, a distance of 33.84 feet; (the following 7 calls are along the North line of Lakewood Ranch Country Club Village, Subphase D, Unit 3B & 4 a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of the Public Records of Manatee County, Florida); thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.01°16'25"E., a radial distance of 58.00 feet; thence westerly along the arc of said curve, through a central angle of 24°50'28", an arc length of 25.15 feet to the end of said curve; thence N.26°06'53"W.,, non-tangent to the last described curve a distance of 49.82 feet; thence S.72°30'29"W., a distance of 161.83 feet; thence N.17°29'31"W., a distance of 20.40 feet; thence S.72°30'29"W., a distance of 190.11 feet; thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 23 of the aforementioned Public Records; thence S.90°00'00"W. along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of the aforementioned Public Records, a distance of 2,269.90 feet; thence S.23°47'43"W. along the west line of said of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126 of the aforementioned Public Records; (the following 2 calls are along said northerly line) thence N.60°40'54"W., a distance of 184.30 feet; thence N.37°10'57"W., a distance of 84.85 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of the aforementioned Public Records; (the following 3 calls are along said easterly line) thence N.01°20'47"E., a distance of 240.50 feet; thence N.58°34'00"W., a distance of 423.22 feet; thence N.00°29'35"E., a distance of 166.41 feet to a point on the South line of Section 29; thence N.89°30'25"W. along said South line, a distance of 1,269.54 feet to the South 1/4 corner of the Southwest 1/4 of said Section 29; thence N.00°29'12"E. along the East line of the West ½ of said Southwest 1/4 of Section 29, a distance of 2,658.58 feet to the North 1/4 corner of said Southwest 1/4 of Section 29; thence N.89°30'30"W. along the South line of the Northwest 1/4 of said Section 29, a distance of 120.00 feet; thence S.00°29'12"W., a distance of 46.62 feet; thence N.89°30'48"W., a distance of 470.30 feet; thence N.61°13'53"W., a distance of 51.46 feet; thence S.85°03'09"W., a distance of 131.05 feet; thence S.33°11'55"W., a distance of 59.75 feet; thence N.46°13'24"W., a distance of 141.11 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.46°13'26"E., a radial distance of 295.00 feet; thence southwesterly along the arc of said curve, through a central angle of 15°08'33", an arc length of 77.96 feet to the end of said curve; thence N.61°21'58"W., radial to the last described curve, a distance of 186.34 feet; thence S.26°03'03"W., a distance of 41.15 feet; thence N.89°30'30"W., a distance of 211.38 feet to a point on the West line of said Section 29; thence N.00°23'24"E. along said West line, a distance of 2,656.56 feet to the Southwest corner of Section 20; thence N.00°35'53"E. along the West line of Section 20, a distance of 5,300.74 feet to the POINT OF BEGINNING.

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

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not downzone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term down-zone shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 11. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 13. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING:

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 15. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-06 during the pendency of any appeal.

SECTION 16. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, R-95-220, Ordinance 99-25, and Ordinance 00-06 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this 10th day of December, 2002

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

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 21st day of DECEMBER, 20 02
R.B. SHORE
Clerk of Circuit Court
By: Nancy Harris D.C.

ATTEST: **R.B. SHORE**
Clerk of the Circuit Court
By: _____ D.C.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 19th day of DECEMBER, 20 02
R.B. SHORE
Clerk of Circuit Court
By: Nancy Harris D.C.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)**	203,500 s.f. (Community Shopping)	Second Golf Course	1,405
III (August 7, 2005 - 2010)			1,406
IV (August 7, 2010 - 2014)			1,285
TOTAL	**203,500 s.f.**		**5,501**

** The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer s compliance with Stipulation B(4), which authorizes commencement of Phase 2 in advance of the Schedule established in this Exhibit.

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

#130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

April 5, 2000

Certified Mail #P 368 650 262

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Schroeder-Manatee Ranch, Inc./Cypress Banks DRI

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 00-06, the amended Development Order for Cypress Banks, as adopted in open session by the Manatee County Board of County Commissioners on March 28, 2000, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 00-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERCEDING ORDINANCE 99-25, WHICH REPLACED RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO REVISE THE LEGAL DESCRIPTION TO REFLECT THE ADDITION OF 374.1 ACRES, ADD TWO ADDITIONAL ACCESS POINTS TO STATE ROAD 70 TO SERVE THE APPROVED COMMERCIAL PARCELS LOCATED ON THE EAST AND WEST SIDES OF LORRAINE ROAD, INCREASE THE RESIDENTIAL ACREAGE BY 75.9 ACRES WITH NO ADDITIONAL DWELLING UNITS, INCREASE THE OPEN SPACE ACREAGE BY 250.2 ACRES, AMEND MAP H TO REFLECT THE CHANGES IN THE LEGAL DESCRIPTION, PROJECT BOUNDARIES, ADDITIONAL RESIDENTIAL AND OPEN SPACE ACREAGE, AND ADDITIONAL ACCESS POINTS, AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING AN EFFECTIVE DATE.

SECTION 1:

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application originally proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as "Cypress Banks" or the "Development"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, On April 27, 1999 the Board of County Commissioners approved Ordinance 99-25 which changed the legal description by adding ±0.8 acres from the adjoining University Lakes DRI, amended Map H to reflect the new boundaries of the legal description, reduced the single-family acreage while increasing open space, and amended Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units; and

WHEREAS, the Developer now requests that the Development Order for Cypress Banks be further amended to provide for a change to the legal description for the addition of approximately 374.1 acres, which includes an additional 75.9 acres of residential acreage with no additional dwelling units, 250.2 acres of open space, and 48 acres for right-of way and easements, add two access points onto State Road 70 to serve the approved commercial parcels located on the east and west side of Lorraine Road, amend Map H to reflect the new boundaries of the legal description, additional residential and open space acreage, and the 2 additional access points onto State Road 70; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the proposed changes to (1) add +374.1 acres to the DRI, (2) add two access points onto State Road 70 to serve the approved commercial parcels located on the east and west side of Lorraine Road, (3) add 75.9 acres of residential acreage with no additional dwelling units, (4) add 250.2 acres of open space, (5) add 48 acres for right-of-way and easements, (6) amend Map H to reflect the new boundaries of the legal description and the additional residential and open space acreage; are presumed to be a Substantial Deviation pursuant to Subsection 380.06 (19)(e)3., Florida Statutes. However, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs have no objection because these changes to the project will not result in additional regional impacts; and

WHEREAS, Manatee County finds that the two proposed additional access points to State Road 70 are an appropriate measure to reduce turning movement conflicts and are consistent with Comprehensive Plan Policy 5.2.2.5, if limited to right-in and right-out movements only, with a directional left turn median if fully permitted through the F.D.O.T;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 28th DAY OF MARCH, 2000 AS FOLLOWS:

SECTION 2. FINDINGS OF FACT:

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

A. WHEREAS clauses preceding this section are adopted as findings of fact.

B. Schroeder Manatee Ranch, Inc. ,hereinafter referred to as the "Developer", previously submitted to Manatee County, Florida, an Application for Development Approval ("ADA") and Sufficiency Responses which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, and has also submitted the requested amendment identified as Ordinance 00-06. Hereinafter, the word "Application" shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, Ordinance 99-25 and the requested change Ordinance 00-06 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

C. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

D. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

E. The said Board of County Commissioners held a Public Hearing on March 28, 2000 regarding said proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at said Public Hearing.

F. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of

Manatee County Ordinance No. 89-01 as amended, the Manatee County Comprehensive Plan.

G. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

H. The authorized agent for the Cypress Banks DRI is Rex Jensen, Vice President, Schroeder Manatee Ranch, Inc., 6215 Lorraine Road, Bradenton, Florida 34202.

I. The owner of the property, which Schroeder Manatee Ranch, Inc. intends to develop, is Schroeder-Manatee Ranch, Inc., as well as individual lot owners within areas which have been platted. The new acreage (374.1 acres) is currently owned by Schroeder Manatee Ranch, Inc. (46.8 acres) and Manatee Fruit Company (327.3 acres). The Manatee Fruit Company property is currently under contract for purchase by Schroeder Manatee Ranch, Inc.

J. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA).

K. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, R-95-220 and Ordinance 99-25 have been amended, replaced, and superceded in their entirety by this Ordinance.

L. The proposed changes filed by Schroeder Manatee Ranch, Inc. on December 8, 1999, as approved, do not constitute a Substantial Deviation to the Cypress Banks DRI.

SECTION 3. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the comments of the Tampa Bay Regional Planning Council dated March 20,2000 and those of the Department of Community Affairs dated March 23, 2000, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, the DCA and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and Map H are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

	APPROVED	PROPOSED	CHANGE
GROSS ACREAGE	+1,790.8	+2,164.9	+374.1
COMMERCIAL SQUARE FOOTAGE	203,500	0	0
RECREATIONAL (GOLF COURSES, PARKS, AND MAINTENANCE FACILITY)	+154.6	+182.4	+27.8
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, ECO PARK)	+663.2	+885.6	+222.4
NET RESIDENTIAL ACREAGE	+870.9	+946.8	+75.9
SINGLE FAMILY UNITS	4,923	4,923	0
MULTI-FAMILY UNITS	578	578	0

EXISTING AND PROPOSED LAND USES FOR THE ADDITIONAL 374.1 ACRES ADDED TO THE CYPRESS BANKS DRI WITH ORDINANCE 00-06

Based on Florida Land Use, Cover, and Form Classification System - Level III

		Existing		Proposed	
	Land Use	**Acreage**	**% of Site**	**Acreage**	**% of Site**
110-136	**Residential**	0	0	149.9	40.1
182	**Golf Courses**	0	0	68.7	18.3
194	**Other Open Land**	0	0	28.7	7.7
211	**Improved Pastures**	26.5	7.1	0	0
259/260	**Other Open Land (Rural)**	7.2	1.9	0	0
411	**Pine Flatwoods**	310.7	83.1	41.5	11.1
427	**Live Oak**	18.2	4.8	9.3	2.5
524	**Lakes <10 Acres**	0	0	31.8	8.5
617	**Mixed Wetland Hardwoods**	3.3	0.9	3.3	0.9
641	**Freshwater Marsh**	8.2	2.2	8.2	2.2
814	**Roads**	0	0	32.7	8.7
	TOTAL	374.1	100	374.1	100

SECTION 5. DEFINITIONS:

Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as "Map H" which is attached to this Ordinance as Exhibit "F" (revised 12/9/99) and which replaces the previous Map H (revised 3/15/99). Hereinafter, "Map H" shall refer to Map "H", as revised by this Ordinance. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, Schroeder Manatee Ranch, Inc., its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments

and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised 12/9/99) as set forth on "Exhibit F" hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 203,500 square foot shopping center, 5,501 residential units, and182.4 acres for golf courses and parks.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site plan, or final site plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to

time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

SECTION 6. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in "Exhibit D" (revised 4/27/99), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of Ordinance 00-06. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D" (revised 4/27/99). The Developer* shall complete or demonstrate substantial

progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase III or IV is submitted more than one year in advance of the schedule established in "Exhibit D" (revised 4/27/99), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. **(Completed for Phase 2.)** Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D" (revised 4/27/99).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Completed for Phase 1)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land

scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.2.3.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed by the Land Development Code, (Ordinance 90-01) as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Chapter 8 - Impact Fees, of the Land Development Code.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's* request that Relocated 301 improvements as originally noted in "Exhibit C", be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the S.R. 70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT. The two additional access points to State Road 70 for the approved commercial parcels located on the east and west sides of Lorraine Road, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn -in directional median cut, if fully permitted by F.D.O.T. The design of the southern approach to the Lorraine Road/S.R. 70 intersection shall include a median to discourage unsafe cross-traffic movements between these two commercial parcels.

C.(8) The Cypress Banks DRI shall include an internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. This connector roadway shall not be Summerfield Parkway. The connector roadway shall be the connector roadway shown on the Phasing Plan/Revised Master Development Plan (revised March, 1999) entered in to the record for this case with Ordinance 99-25. The applicant shall submit a revised Map H which includes the east-west connector roadway prior to any Preliminary Site Plan or Preliminary Plat approvals following adoption of Ordinance 99-25 **(Completed)**

C.(9) Prior to Construction Drawing approval, the Developer shall obtain Florida Department of Transportation approval through their official connection approval process described in Rule 14-96 F.A.C. and specified under sections 334.044(2), 335.182(2), 335.183, and 335.184 Florida Statutes and implemented by Section 334.044(14), 335.18-335.187, Florida Statutes for the access points described in C.(7).

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Management Department (EMD) (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Management Department (EMD) or their successors) **(Completed)**.

Construction monitoring shall be initiated at the beginning of construction **(Completed)** and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA), and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 62-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be amended and approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) to include the additional 374.1 acre parcel added to the DRI with Ordinance 00-06, prior to commencement of any construction on this parcel. The County's Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC's) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval **(Completed for Phase 1)**.

D.(3) In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Fish and Wildlife Conservation Commission (F.F.W.C.C.). Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will

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

In order to assure nesting sites are available for the Southeastern American Kestrel, five nest boxes shall be installed on the 374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06, per F.F.W.C.C. guidelines. These shall be located adjacent to areas of fairly open canopy and short grassy groundcover, as well as suitable perching locations, including pines adjacent to wetlands and other preserved open space. The nesting boxes shall be installed prior to any clearing or grading activities.

A mesic hammock (9.3 acres) as shown on revised Map H dated 12/9/99, shall be preserved as habitat for the Sherman's Fox Squirrel.

D.(4) All wetlands within the site are considered "jurisdictional" and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan, however, none of the 11.5 acres of wetlands located on the +374.1 acre parcel added to the DRI with the adoption of Ordinance 00-06 shall be impacted.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D&F in the ADA) and as amended with Ordinance 00-06 (see Attachment to Exhibit E dated 3/21/2000), designated as forest cultivation areas at the time of General Development Plan Approval. Trees removed from these areas shall be harvested and utilized for their natural resource in order to receive this exemption.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures on non single-family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in comformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of

the treatment criteria specified in Rule 62-25.035(1)(b) or Rule 62-25.04 or, Rule 62-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County **(Completed)**.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **(Completed for Phase I)**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning and Environmental Management Department (EMD) (or their successor) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 62-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 62-3, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department

(EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. "Watt-wise Construction" with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

b. Cross-ventilation;

c. Window orientation for the most efficient heating and cooling systems;

d. Solar heating and cooling systems; and

e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit "A" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R) **(Completed)**.

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I **(Completed for Phase 1)**.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) Schroeder Manatee Ranch, Inc., its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22. 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, "significant development" shall be the actual construction of site

improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2014.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Fish Wildlife Conservation Commission (FFWCC), to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of

construction and final grading, disturbed areas will be seeded, sodded, or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (ADA, pgs. 19 and 21)

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.
   - control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
   - control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
   - sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
   - preserve natural land cover by selective clearing of the site.
   - utilize water spray trucks in heavy construction traffic areas.
   - design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
   - preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (ADA, pp. 21-22).

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 62-3 and Rule 62-4.242 (ADA, pg. 42) **[Completed for Phase I].**

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-

Floodplains

1. The main Zephyr lily and brown ladies' tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

A parcel of land lying within a portion of Sections 17, 20, 21, 22, 27, 28 and 29, Township 35 South, Range
19 East, Manatee County, Florida and more particularly described as follows:

BEGIN at the Northwest corner of said Section 20, said Section corner also being the common corner of Sections 17, 18 and 19; thence NOO'35'47"E along the Westerly line of said Section 17, a distance of 140.67 feet to a point on the Southerly Right-of-way of State Road 70; (the following 6 calls are along said Southerly Right-of-way of State Road 70), thence S70'24'24"E, a distance of 373.46 feet to the point of curvature of a curve to the left, having a radius of 2,041.86 feet and a central angle of 18'21'30"; thence along the arc of said curve in a Southeasterly direction, an arc length of 654.24 feet to the point of tangency of said curve; thence S88'45'54"E. a distance of 4,362.42 feet; thence S89'41'54"E. a distance of 1,575.96 feet; thence S89'42'03"E, a distance of 2,821.50 feet; thence S89'19'57"E, a distance of 3,193.08 feet; thence SOO'39'03"W, a distance of 898.94 feet; thence N89'20'57"W, a distance of 867.82" feet; thence SOO'24'05"W. a distance of 267.14 feet to the point of curvature of a curve to the right, having a radius of 2,735.00 feet and a central angle of 31'55'30"; thence along the arc of said curve in a Southwesterly direction, on arc length of 1,523.93 feet to the point of tangency of said curve; thence S32'19'35"W, a distance of 790.03 feet to the point of curvature of a curve to the left, having a radius of 2,380.00 feet and a central angle of 31'49'15"; thence along the arc of said curve in a Southwesterly direction, an arc length of 1.599.49 feet to the point of tangency of said curve; thence SOO'30'20"W, a distance of 355.33 feet; thence SOO'51'26"W along a line 120 feet Easterly of and parallel with the Westerly line of said Section 27, a distance of 5,313.46 feet to a point on the Southerly line of said Section 27; thence S89'57 ' 56"W along the Southerly line of said Section 27, a distance of 120.01 feet to the Southeast corner of said Section 28; thence

N89'30'25"W along the South line of said Section 28, a distance of 2,662.03 feet to the South 1/4 corner of said Section 28; thence NOO'45'47"E along the West line of the East ½ of said Section 28, a distance of 2,236.77 feet; thence N89'31'24"W along a line 3,077.34 feet Southerly of and parallel with the North line of said Section 28, a distance of 2,665.72 feet to a point on the Easterly line of said Section 29; thence NOO'40'06"E along the East line of said Section 29. a distance of 1,749.02 feet to the East 1/4 corner of the Northeast 1/4 of Section 29; thence N89'29'29"W along the South line of the North ½ of the Northeast 1/4 of Section 29, a distance of 2,679.05 feet to the West 1/4 corner of the Northeast 1/4 of said Section 29; thence SOO'32'07"W along the West line of said Northeast 1/4 of said Section 29. a distance of 1,327.72 feet to the center of said Section 29; thence N89'30'30"W along the South line of the Northwest 1/4 of said Section 29, a distance of 1,455.36 feet; thence SOO'29'12"W, a distance of 46.03 feet; thence N89'30'48"W, a distance of 469.78 feet; thence N61'13'53"W, a distance of 51.46 feet; thence S85'03'09"W, a distance of 131.05 feet; thence S33'11'55"W, a distance of 59.75 feet; thence N46'13'24"W, a distance of 141.12 feet to a point on a curve of which the radius point lies N46'13'24"W, a radial distance of 295.00 feet; thence along the arc of said curve in a Southwesterly direction, passing through a central of 15'08'35", an arc length of 77.97 feet to the end of said curve; thence N61'21'58"W along a line not tangent to the lost described curve, a distance of 186.33 feet; thence S26'03'03"W, a distance of 41.15 feet; thence N89'30'30"W, a distance of 212.08 feet to a point on the West line of said Section 29; thence NOO'23'24"E along the west line of said Section 29, a distance of 2,656.56 feet to the Southwest corner of said Section 20; thence NOO'35'53"E along the West line of said Section 20, a distance of 5,300.74 feet to the POINT OF BEGINNING. Parcel contains 2,164.9 acres more or less, which includes the addition of the new acreage (+374.1 acres) described independently below:

A parcel of land lying within a portion of Sections 22, 27 and 28, Township 35 South, Range 19 East, Manatee County, Florida and more particularly described as follows:

BEGIN at the Southeast corner of said Section 28; thence N 89'30'25"W along the South line of said Section 23, a distance of 2,662.03 feet to the South 1/4 corner of said Section 28; thence NOO'45'47"E along the West line of the East ½ of said Section 28, a distance of 5,314.15 feet to the North 1/4 corner of said Section 28; thence S 89'31'24"E along the North line of said Section 28, a distance of 2,670.80 feet to the Northeast corner of said Section 28, also being the common corner of Sections 21, 22 and 27; thence S 89'29'42"E along the South line of said Section 22, a distance of 100.00 feet; thence NOO'30'20"E, a distance of 2,397.34 feet to the point of curvature of a curve to the right, having a radius of 950.00 feet and a central angle of 68'46'17"; thence along the arc of said curve in a Northeasterly direction, on arc length of 1,140.27 feet to the point of reverse curvature of a curve to the left, having a radius of 1,050.00 feet and a central angle of 68'37'34"; thence along the arc of said curve in a Northeasterly direction, an arc length of 1,257.64 feet to the end of said curve-, thence S 89 degrees 20'57"E along a line not tangent to the lost described curve, a distance of 4.18 feet; thence S 00'24'05"W, a distance of 267.14 feet to the point of curvature of a curve to the right, having a radius of 2,735.00 feet and a central angle of 31'55'30"; thence along the arc of said

curve in a Southwesterly direction, an arc length of 1,523.93 feet to the point of tangency of said curve; thence S 32'19'35"W, a distance of 790.03 feet to the point of curvature of a curve to the left, having a radius of 2,880.00 feet and a central angle of 31'49'15"; thence along the arc of said curve in a Southwesterly direction, an arc length of 1,599.49 feet to the point of tangency of said curve; thence S00'30'20"W, a distance of 355.33 feet; thence SOO'51'26"W to a point on the Southerly line of said Section 27, a distance of 5,313.46 feet; thence S89'57'56"W along the Southerly line of said Section 27, a distance of 120.01 feet to the POINT OF BEGINNING.
Parcel contains 374.1 acres more or less.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 11. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 13. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING:

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 15. EFFECTIVE DATE:

This Ordinance shall take effect upon a certified copy of the Ordinance being filed with the Secretary of State provided however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 99-25 during the pendency of any appeal.

SECTION 16. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, R-95-220 and Ordinance 99-25 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this 28th day of March, 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairman

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

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

By: _____

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

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 6 day of April, 20 00

R.B. SHORE
Clerk of Circuit Court

By: _____ D.C.

EXHIBITS A, B, C, & E ARE NOT ATTACHED BUT ARE ON FILE WITH THE CLERK OF THE CIRCUIT COURT.

EXHIBIT D

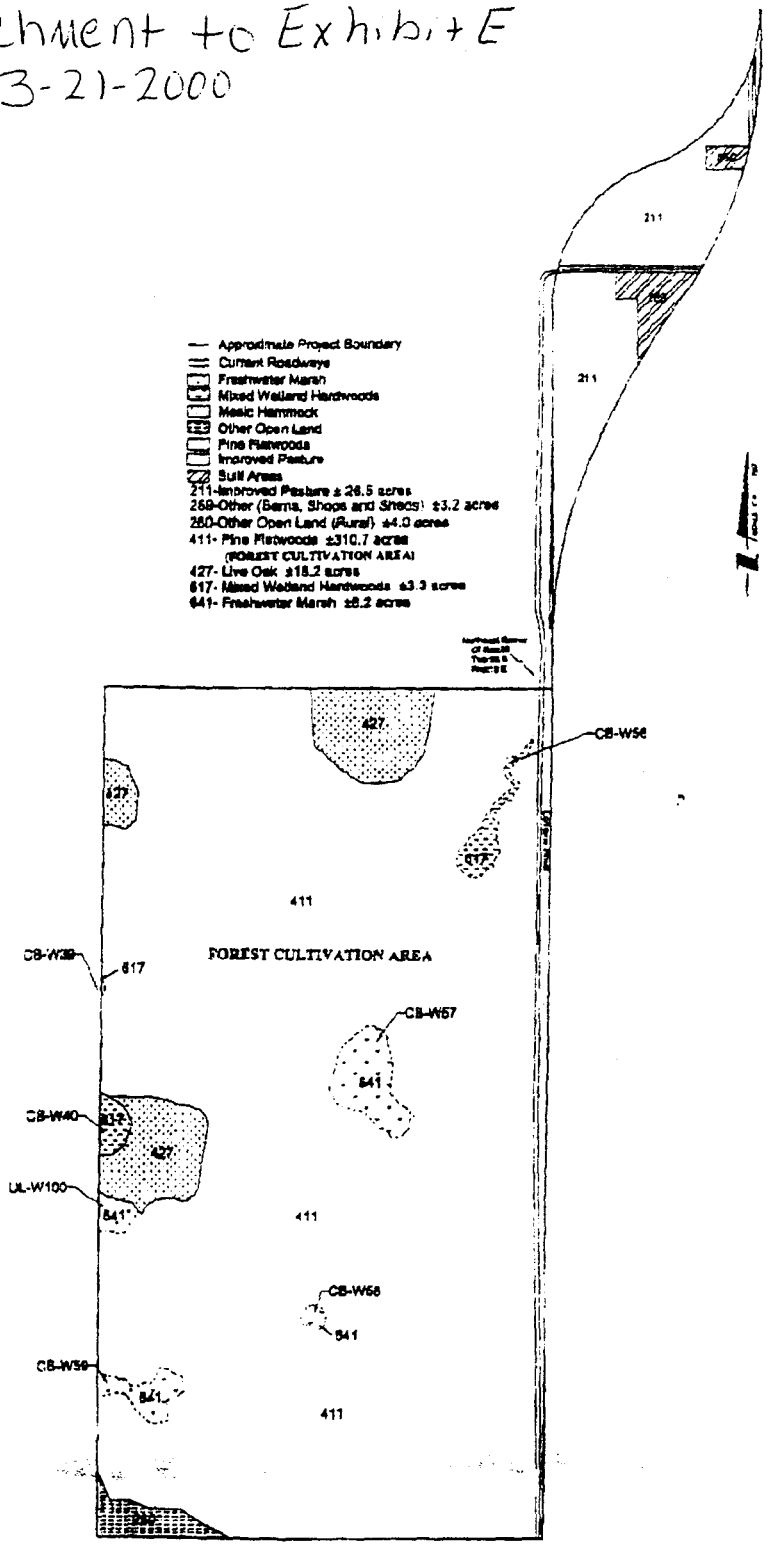
CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990 - August 7, 2000)	Religious Center	First Golf Course	1,405
II (August 7, 1999* - 2005)**	203,500 s.f. (Community Shopping)	Second Golf Course	1,405
III (August 7, 2005 - 2010)			1,406
IV (August 7, 2010 - 2014)			1,285
TOTAL	**203,500 s.f.**		**5,501**

** The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

*** This date is being advanced to reflect the developer's compliance with Stipulation B(4), which authorizes commencement of Phase 2 in advance of the Schedule established in this Exhibit.

Attachment to Exhibit E
3-21-2000

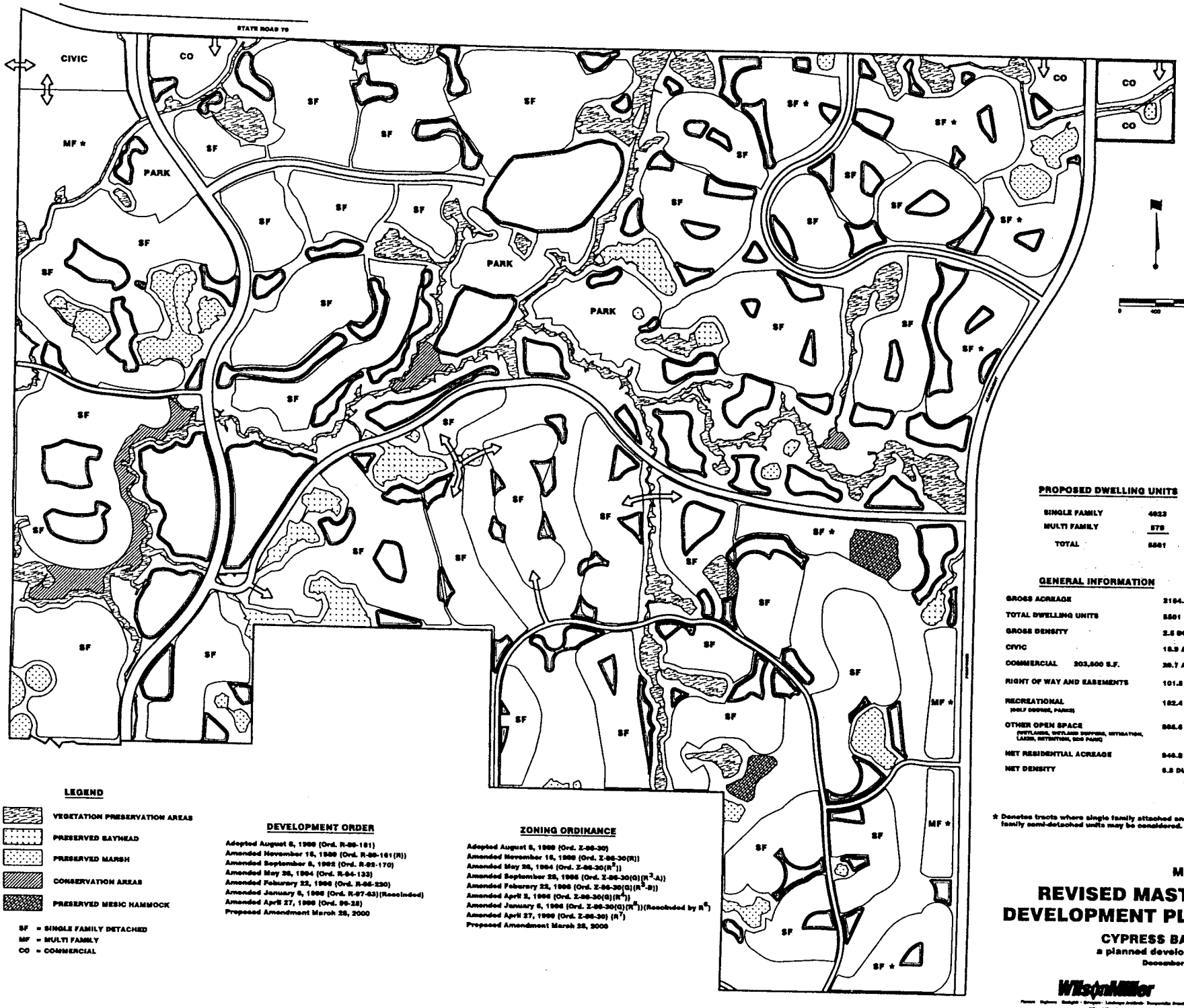


Cypress Banks
NOPC Additional Lands
January, 2000

Map F
Vegetation Associations

Environmental Affairs Consultants, Inc.
P.O. Box 337
Palmetto, Florida 34220
Office: (941) 722-0367
Fax: (941) 722-2948

EXHIBIT F



PROPOSED DWELLING UNITS

SINGLE FAMILY	4623
MULTI FAMILY	578
TOTAL	5501

GENERAL INFORMATION

GROSS ACREAGE	2184.9 AC.
TOTAL DWELLING UNITS	5501 DU.
GROSS DENSITY	2.5 DU./AC.
CIVIC	15.3 AC.
COMMERCIAL 203,500 S.F.	20.7 AC.
RIGHT OF WAY AND EASEMENTS	101.8 AC.
RECREATIONAL (GOLF COURSE, PARKS)	182.4 AC.
OTHER OPEN SPACE (WETLANDS, WETLAND BUFFERS, MITIGATION, LAKES, RETENTION, SOD FARM)	966.6 AC.
NET RESIDENTIAL ACREAGE	848.8 AC.
NET DENSITY	6.5 DU./AC.

* Denotes tracts where single family attached and single family semi-detached units may be considered.

LEGEND

- VEGETATION PRESERVATION AREAS
- PRESERVED BAYHEAD
- PRESERVED MARSH
- CONSERVATION AREAS
- PRESERVED MESIC HAMMOCK

SF = SINGLE FAMILY DETACHED
MF = MULTI FAMILY
CO = COMMERCIAL

DEVELOPMENT ORDER

Adopted August 8, 1989 (Ord. R-89-181)
Amended November 15, 1989 (Ord. R-89-181(R))
Amended September 8, 1992 (Ord. R-92-170)
Amended May 26, 1994 (Ord. R-94-133)
Amended February 22, 1996 (Ord. R-96-230)
Amended January 6, 1998 (Ord. R-97-63)(Rescinded)
Amended April 27, 1999 (Ord. 99-28)
Proposed Amendment March 28, 2000

ZONING ORDINANCE

Adopted August 8, 1989 (Ord. Z-89-30)
Amended November 15, 1989 (Ord. Z-89-30(R))
Amended May 26, 1994 (Ord. Z-89-30(R^2))
Amended September 28, 1995 (Ord. Z-89-30(G)(R^3-A))
Amended February 22, 1996 (Ord. Z-89-30(G)(R^3-B))
Amended April 2, 1996 (Ord. Z-89-30(G)(R^4))
Amended January 6, 1998 (Ord. Z-89-30(G)(R^5))(Rescinded by R^6)
Amended April 27, 1999 (Ord. Z-89-30) (R^7)
Proposed Amendment March 28, 2000

MAP H

REVISED MASTER DEVELOPMENT PLAN

CYPRESS BANKS
a planned development
December 9, 1999

WilsonMiller

DRI 130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

CERTIFIED MAIL
P 368 649 922

May 21, 1999

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Cypress Banks DRI #17

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 99-25, the amended Development Order for the Cypress Banks DRI, as adopted in open session by the Manatee County Board of County Commissioners on April 27, 1999, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/jy
Enclosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 99-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERCEDING RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO REVISE THE LEGAL DESCRIPTION TO REFLECT THE ADDITION OF LAND FROM THE ADJOINING UNIVERSITY LAKES DRI, AMEND MAP H TO REFLECT THE CHANGE IN THE LEGAL DESCRIPTION AND PROJECT BOUNDARIES, REDUCE THE SINGLE-FAMILY ACREAGE WHILE INCREASING OPEN SPACE, AMEND EXHIBIT D (THE PROPOSED PHASING SCHEDULE) TO DELETE THE REQUIREMENT FOR 100 UNITS IN PHASE 1 TO BE MULTI-FAMILY UNITS, AMEND MAP H TO ADD A NEW ACCESS POINT TO STATE ROAD 70, AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING AN EFFECTIVE DATE.

SECTION 1:

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as "Cypress Banks" or the "Development"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments, and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning, Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, on September 28, 1995 and January 25, 1996 the Board of County Commissioners held a public hearing to consider the foregoing; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220, adopting a Development Order for Cypress Banks on February 22, 1996; and

WHEREAS, subsequent to the adoption of R-95-220, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for a change to the

legal description for the addition of ±0.8 acres from the adjoining University Lakes DRI, amend Map H to reflect the new boundaries of the legal description, reduce single-family acreage while increasing open space, amend Exhibit D (the proposed phasing schedule) to delete the requirement for 100 units in Phase 1 to be multi-family units, amend Map H to add a new access point to SR 70, and amend Map H to delete an internal east west connector road; and

WHEREAS, on April 27, 1999 the Board of County Commissioners held a public hearing to consider the foregoing; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes, as conditioned herein, are consistent with the 2020 Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the proposed changes to (1) amend the legal description to add land from the adjoining University Lakes DRI, (2) amend Map H by changing the project boundary to reflect the new legal description, (3) reduce the single-family acreage while increasing open space acreage, and (4) amend Exhibit D to delete the requirement for 100 units in Phase 1 to be multi-family units are presumed to be a substantial deviation pursuant to Subsection 380.06 (19)(e)3., Florida Statutes, however, the Florida Department of Community Affairs has no objection because these changes are minor modifications to the project and will not result in additional regional impacts; and

WHEREAS, the proposed change to delete the internal east/west connector roadway and to provide an additional access point onto State Road 70 are presumed to create a Substantial Deviation pursuant to Subsection 380.06(19)(e)3., Florida Statutes; and the Florida Department of Community Affairs has determined that the applicant has not provided clear and convincing evidence that these changes will not create additional regional impacts, and therefore objects to these changes; and

WHEREAS, Manatee County finds that the proposed additional access point to State Road 70 is an appropriate measure to reduce turning movement conflicts and is consistent with Comprehensive Plan Policy 5.2.2.5, if limited to right-in and right-out movements only;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 27TH DAY OF APRIL, 1999, THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO LEGAL DESCRIPTION, EXHIBIT D, SINGLE-FAMILY AND OPEN SPACE ACREAGE TOTALS, THE ADDITION OF AN ACCESS POINT TO SR 70, AND MAP H TO REFLECT THESE CHANGES DO NOT CONSTITUTE A SUBSTANTIAL

DEVIATION OR THAT THE PRESUMPTION OF A SUBSTANTIAL DEVIATION HAS BEEN REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THERE WILL BE NO ADDITIONAL REGIONAL IMPACTS RESULTING FROM THESE CHANGES, AND THAT THE DEVELOPMENT ORDER (R-89-161 AS AMENDED) IS HEREBY AMENDED, REPLACED, AND SUPERCEDED AS FOLLOWS:

SECTION 2. FINDINGS OF FACT:

A. SMR-1 Development Corporation, doing business as SMR Development Corporation, hereinafter referred to as the "Developer", previously submitted to Manatee County, Florida, an Application for Development Approval ("ADA") and Sufficiency Responses which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, and has also submitted the requested amendment identified as Ordinance 99-25. Hereinafter, the word "Application" shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220, and the requested change Ordinance 99-25 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

B. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

C. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Ordinance, pursuant to Section 380.06, Florida Statutes (FS).

D. The said Board of County Commissioners held a Public Hearing on April 27, 1999 regarding said proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at said Public Hearing.

E. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

F. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

G. The authorized agent for Cypress Banks DRI is Robert E. Furlong, Vice President, SMR Communities Joint Venture, 6215 Lorraine Road, Bradenton, Florida 34202.

H. The owner of the property, which SMR-1 Development Corporation intends to develop, is Schroeder-Manatee Ranch, Inc., as well as individual lot owners within areas which have been platted.

I. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County and Tampa Bay Regional Planning Council (TBRPC).

J. Resolution R-89-161, R-89-161(R), R-92-170, R-94-133, and R-95-220 have been amended, replaced, and superceded in their entirety by this Ordinance.

SECTION 3. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.

2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on February 22, 1999 and those of the Department of Community Affairs issued on March 9, 1999, as conditioned herein.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised 9/06/95) as set forth on "Exhibit F" hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 203,500 square foot shopping center, 5,501 residential units, and 151.4 acres for golf courses.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site plan, or final site plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments

or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

SECTION 6. CONDITIONS:

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in "Exhibit D" (revised 4/27/99), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the

Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of this R-99-25. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D" (revised 4/27/99). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning Department after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3). **(Completed)**

B.(4) In the event a Preliminary Development Plan* for Phase ~~II,~~ III or IV is submitted more than one year in advance of the schedule established in "Exhibit D" (revised 4/27/99), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. **(Completed for Phase 2.)** Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D" (revised 4/27/99).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase. **(Complied for Phases 1 and 2.)**

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA), and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land Development Code (LDC) **[Completed for the first 1,405 units which are Phase I]**. Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC, and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D" (revised 4/27/99).

C.(3) Approval of each Preliminary Development Plan* **[completed for Phase I]** shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the

Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1,405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's* request that Relocated 301 improvements as originally noted in "Exhibit C", be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

C.(7) The additional access point to State Road 70, located east of the SR70 and Lakewood Ranch Boulevard intersection, shall be limited to right-turn-in and right-turn-out movements only, with an optional left-turn-in directional median cut, if fully permitted by FDOT.

C.(8) The Cypress Banks DRI shall include an internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. This connector roadway shall not be Summerfield Parkway. The connector roadway shall be the connector roadway shown on the Phasing Plan/Revised Master Development Plan (revised March, 1999) entered in to the record for this case). The applicant shall submit a revised Map H which includes the east-west connector roadway prior to any Preliminary Site Plan or Preliminary Plat approvals following adoption of Ordinance 99-25.

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Management Department (EMD) (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Management Department (EMD) (or their successors) **[Completed]**. Construction monitoring shall be initiated at the beginning of construction

D.(4) All wetlands within the site are considered "jurisdictional" and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D&F in the ADA) designated as forest cultivation areas at the time of Conceptual Plan Approval.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures on non single-family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD), or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in comformance with the Manatee County Land Development Code, established adjacent to post-development

jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan, as amended.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 17-25.035(1)(b) or Rule 17-25.04 or Rule 17-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County **[completed]**.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year

drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed **[Completed for phase I]**. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning

Department and Environmental Management Department (EMD) (or their successor) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 17-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 17-3, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management

system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. "Watt-wise Construction" with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

b. Cross-ventilation;

c. Window orientation for the most efficient heating and cooling systems;

d. Solar heating and cooling systems; and

e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit "A" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches, and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR-1 Development Corporation, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the effective date of R-95-220 (February 22. 1996) and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

H.(17) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(18) This Development Order shall expire on August 7, 2014.

H.(19) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

H.(20) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, Manatee County's 2020 Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II. **(Completed)**

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

   The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded, or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales, and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh, and alluvial zones. (ADA, pgs. 19 and 21)

2. The following wind, water and soil erosion abatement methods will be followed:

- preserve existing trees as buffers between adjacent developed areas.
- control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
- control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
- sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
- preserve natural land cover by selective clearing of the site.
- utilize water spray trucks in heavy construction traffic areas.
- design swales, ditches, and culverts for peak velocities in the three to six feet per second maximum range.
- preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (ADA, pp. 21-22).

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 17-3 and Rule 17-4.242 (ADA, pg. 42) [completed for phase I].

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (ADA, pg. 43)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural "fringe-area" adjacent to the Braden River and three of the largest streams on-site, directly into the contiguous stream. (ADA, pg. 45)

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwater will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

Floodplains

1. The main Zephyr lily and brown ladies' tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water

Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

Economy

The developer will provide a pro-rata share contribution for Fire, EMS, and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine

nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County right-of-way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County rights-of-way shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

THAT PART OF SECTION 17, TOWNSHIP 35 S., RANGE 19 E., LYING SOUTH OF STATE ROAD NO. 70.
ALSO:

THAT PART OF SECTION 20, TOWNSHIP 35 S., RANGE 19 E., LYING SOUTH OF STATE ROAD NO. 70.

ALSO:

THAT PART OF SECTION 21, TOWNSHIP 35 S., RANGE 19 E., LYING SOUTH OF STATE ROAD NO. 70.

ALSO:

THAT PART OF SECTION 22 , TOWNSHIP 35 S., RANGE 19 E., DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE S 89°29' 58" E, ALONG THE SOUTH LINE OF SAID SECTION 22, 100.00 FT.; THENCE N 00°30' 04" E, PARALLEL WITH THE WEST LINE OF SAID SECTION 22 AND 100.0 FT. EASTERLY THEREFROM, A DISTANCE OF 2397.34 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 950.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°46' 17", A DISTANCE OF 1140.27 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1050.00.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°37'34", A DISTANCE OF 1257.64 FT.; THENCE S 89°21'12" E. PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF STATE ROAD NO. 70. AND 900.00 FT. SOUTHERLY THEREFROM, A DISTANCE OF 872.00 FT.; THENCE N 00°38' 48" E. PERPENDICULAR WITH SAID SOUTH RIGHT-OF -WAY, 900.00 FT. TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY STATE ROAD NO. 70; THENCE N 89°21'12" W. ALONG SAID SOUTH RIGHT-OF-WAY, 2250.12 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 22; THENCE S 00°30' 04" W, ALONG SAID WEST SECTION LINE, 5162.33 FT. TO THE POINT OF BEGINNING.

ALSO:

THE NORTH 3077.34 FT. OF THE WEST ½ OF SECTION 28, TOWNSHIP 35 S., RANGE 19 E.

ALSO:

THE NORTHWEST 1/4 OF THE NORTH ½ OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 35 S., RANGE 19 E.

TOGETHER WITH AND INCLUDING THE FOLLOWING TWO PARCELS OF LAND:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°22' 41" E, ALONG THE WEST LINE OF SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SW 1/4 OF SECTION 29, ALSO BEING THE SOUTHWEST CORNER OF THE NW 1/4 OF SECTION 29; THENCE S 89°30' 30" E, ALONG THE SOUTH LINE OF THE NW 1/4, A DISTANCE OF 298.54 FT TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30' 30" E, ALONG THE SOUTH LINE OF THE NW 1/4 , A DISTANCE OF 129.98 FT. TO A POINT HEREINAFTER CALLED POINT "B" ALSO BEING A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT BEARS S 49°26'14" E, A DISTANCE OF 295.00 FT.; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°55' 45", A DISTANCE OF 61.42 FT.; THENCE N 61°21' 58" W, A DISTANCE OF 107.63 FT. TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE ABOVE DESCRIBED POINT "B"; THENCE S 89°30 '30" E, ALONG THE SOUTH LINE OF SAID NW 1/4 A DISTANCE OF 24.12 FT. TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30' 30" E, ALONG THE SOUTH LINE OF SAID NW 1/4, A DISTANCE OF 767.44 FT.; THENCE S 00°29' 12" W, A DISTANCE OF 46.03 FT.; THENCE N 89°30' 48" W, A DISTANCE OF 469.78 FT.; THENCE N 61°13' 53" W, A DISTANCE OF 51.46 FT.; THENCE S 85°03' 09" W, A DISTANCE OF 131.05 FT. ; THENCE S 33°11' 55" W, A DISTANCE OF 59.75 FT.; THENCE N 46°13' 24" W, A DISTANCE OF 123.10 FT. TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCELS OF LAND;

COMMENCE AT THE SECTION CORNER COMMON TO SECTION 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°22' 41" E, ALONG THE WEST LINE OF SECTION 29, DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SW 1/4 OF SECTION 29; THENCE S 89°30' 30" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 211.38 FT. TO THE POINT OF BEGINNING; THENCE N 26°03' 03" E, A DISTANCE OF 41.15 FT.; THENCE S 61°21'58" E, A DISTANCE OF 78.71 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SW 1/4 AT A POINT HEREINAFTER

CALLED POINT "A"; THENCE N 89°30' 30" W, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 87.16 FT. TO THE POINT OF BEGINNING,

AND

COMMENCE AT THE ABOVE DESCRIBED POINT "A"; THENCE S 89°30' 30" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 129.28 FT. TO THE POINT OF BEGINNING, AT A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT BEARS S 49°26' 14" E, A DISTANCE OF 295.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°12' 50"; A DISTANCE OF 16.55 FT.; THENCE S 46°13' 24" E, A DISTANCE OF 18.02 FT. TO THE INTERSECTION WITH THE NORTH LINE OF THE SW 1/4; THENCE N 89°30' 30" W, ALONG THE NORTH LINE OF THE SW 1/4, A DISTANCE OF 24.12 FT. TO THE POINT OF BEGINNING.

CONTAINING 150 SQUARE FEET MORE OR LESS.

ALL OF THE ABOVE BEING AND LYING IN TOWNSHIP 35 S., RANGE 19 E., MANATEE COUNTY, FLORIDA.

CONTAINING A NET OF 1790.8 ACRES MORE OR LESS.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. **(Completed)**

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For two (2) years from the original date **(this time has passed)** upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

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

order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 11. BINDING ORDER UPON DEVELOPER:

That this order shall be binding upon the Developer, its successors, assigns, or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES:

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 13. RENDERING:

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING:

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 15. EFFECTIVE DATE:

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

SECTION 16. REPLACEMENT OF PRIOR DEVELOPMENT ORDERS:

Upon becoming effective, this Ordinance shall replace R-89-161 (R), R-92-170, R-94-133, and R-95-220 in their entirety.

ADOPTED AND APPROVED with a quorum present and voting this 27th day of April, 1999.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairman

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

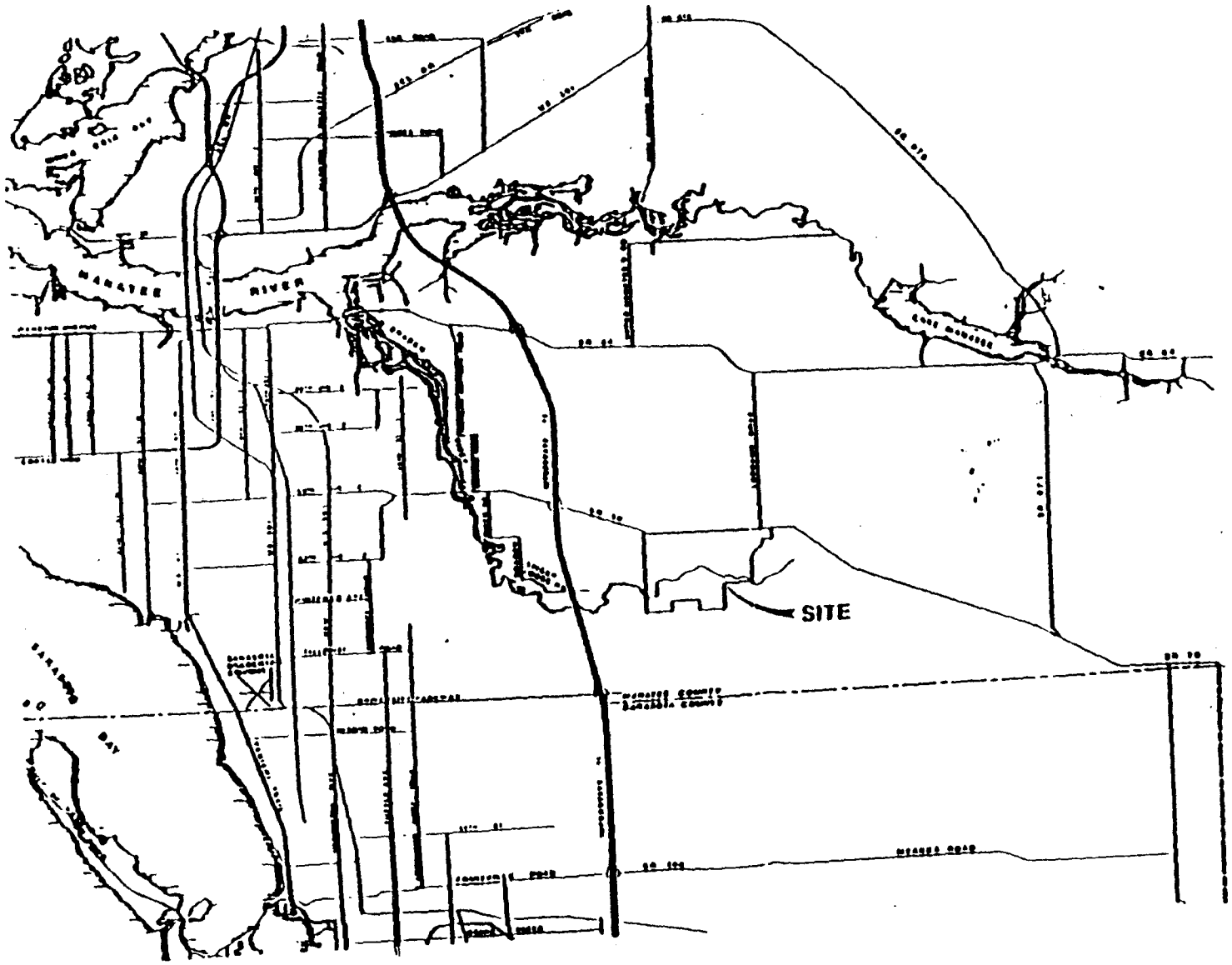
By: _____

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 27th day of MAY 1999.
R. B. SHORE
Clerk of Circuit Court
By: _____ D.C.

EXHIBIT A

(ADA AND SUFFICIENCY RESPONSES)

**IS NOT ATTACHED DUE TO ITS LARGE SIZE
BUT IS ON FILE AT THE CLERK'S OFFICE AS ATTACHMENT
TO RESOLUTION R-89-161, APPROVED ON AUGUST 8, 1989.**



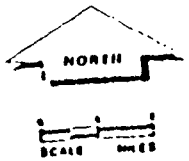


EXHIBIT 8

MAP J

TRANSPORTATION NETWORK

CYPRESS BANKS

EXHIBIT P

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections		
S.R. 70 @ Caruso Rd.		
Add eastbound left-turn lane to mitigate.		
Add eastbound and westbound through to restore.		
**Planned Programmed Improvement.		
S.R. 70 @ 45th Street		
Add eastbound and westbound through lane to mitigate and restore		
**Planned Programmed Improvement.		
Site Access:		
S.R. 70 @ West Entrance:	100	
Signalize, add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane.		
S.R. 70 @ Middle Entrance:	100	
Add northbound left-turn/right-turn lane, unsignalized.		
Fwy Ramp Intersections:		
I-75 @ S.R. 70		
Signalize. Eastbound intersection		8.9
Westbound intersection		8.3
Links:		
53rd Ave. (S.R. 70)		
U.S. 301 to 45th St.:	5.4	
4-lane undivided to 6-lane divided		
S.R. 70		
45th St. to Caruso Rd.:	10.9	
4-lane undivided to 6-lane divided		

EXHIBIT C (Continued)
(REVISED)
Phase II

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

Links:

S.R. 70 — 143.0
I-75 to West Project Entrance:
2-lane rural to 6-lane divided.

S.R. 70 — 90.2-113.4
Westerly Project Entrance to Lorraine Rd:
2-lane rural to 4-lane divided.

University Pwky. — 8.8
Rel. 301 to Lockwood Ridge Rd.:
2-lane undivided to 4-lane divided
(Planned Programmed Improvement)

University Pwky. — 8.8
Lockwood Ridge Rd. to planned Honore Rd.:
2-lane rural to 6-lane divided.

University Pwky. — 16.0
Planned Honore Rd. to I-75:
6-lane divided to 6-lane expressway.

I-75 — 13.7
S.R. 70 to University Pwky.:
6-lane freeway to 8-lane freeway

I-75 — 6.9
University Pwky. to Fruitville Rd.:
6-lane freeway to 8-lane freeway.

S.R. 64
Morgan, Johnson Rd. to I-75
2-lane undivided to 4-lane divided.
(Programmed for 4-lane prior to end of Phase I)

Links (continued):

U.S. 301
1st St. to 15th St.:
2-lane undivided to 4-lane divided.

Fruitville Rd.
Tuttle Ave. to McIntosh Rd.:
2-lane rural to 4-lane undivided.
(Programmed 6-lane prior to end of Phase I)

Fruitville Rd.
McIntosh Rd. to I-75:
4-lane divided to 6-lane divided.
(Programmed 6-lane prior to end of Phase I)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Grade Separation		
* U.S. 301 and 53rd Avenue East		8.6

Links (continued):

University Pkwy.		
Lockwood Rige Rd. to planned Honore Rd.:	11.1	
6-lane divided to 6-lane expressway.	(7.3)	
University Pkwy.		
Planned Honore Rd. to I-75:	20.3	
6-lane expressway to 8-lane expressway.	(10.9)	
I-75		
S.R. 70 to University Pkwy.:	17.4	
8-lane freeway to 10-lane freeway.	(13.1)	
I-75		
University Pkwy. to Fruitville Rd.:	8.7	
8-lane freeway to 10-lane freeway.	(6.5)	
Fruitville Rd.		
0.5 mi. E. of Lockwood Ridge Rd. to I-75:	9.2	
4-lane divided to 6-lane expressway.		
*9th Street West		
1st Street to 53rd Avenue East	14.9	
4-lane divided arterial		

Grade Separations:

*S.R. 70 @ Caruso Rd.	14.4
*S.R. 70 @ 45th Street	10.3
*Relocated 301 & 53rd Ave (S.R. 70)	5.9

Additional Link:

Washington Boulevard.	
DeSoto Road to Fruitville Road	5.7
6-lane divided arterial	

Links:

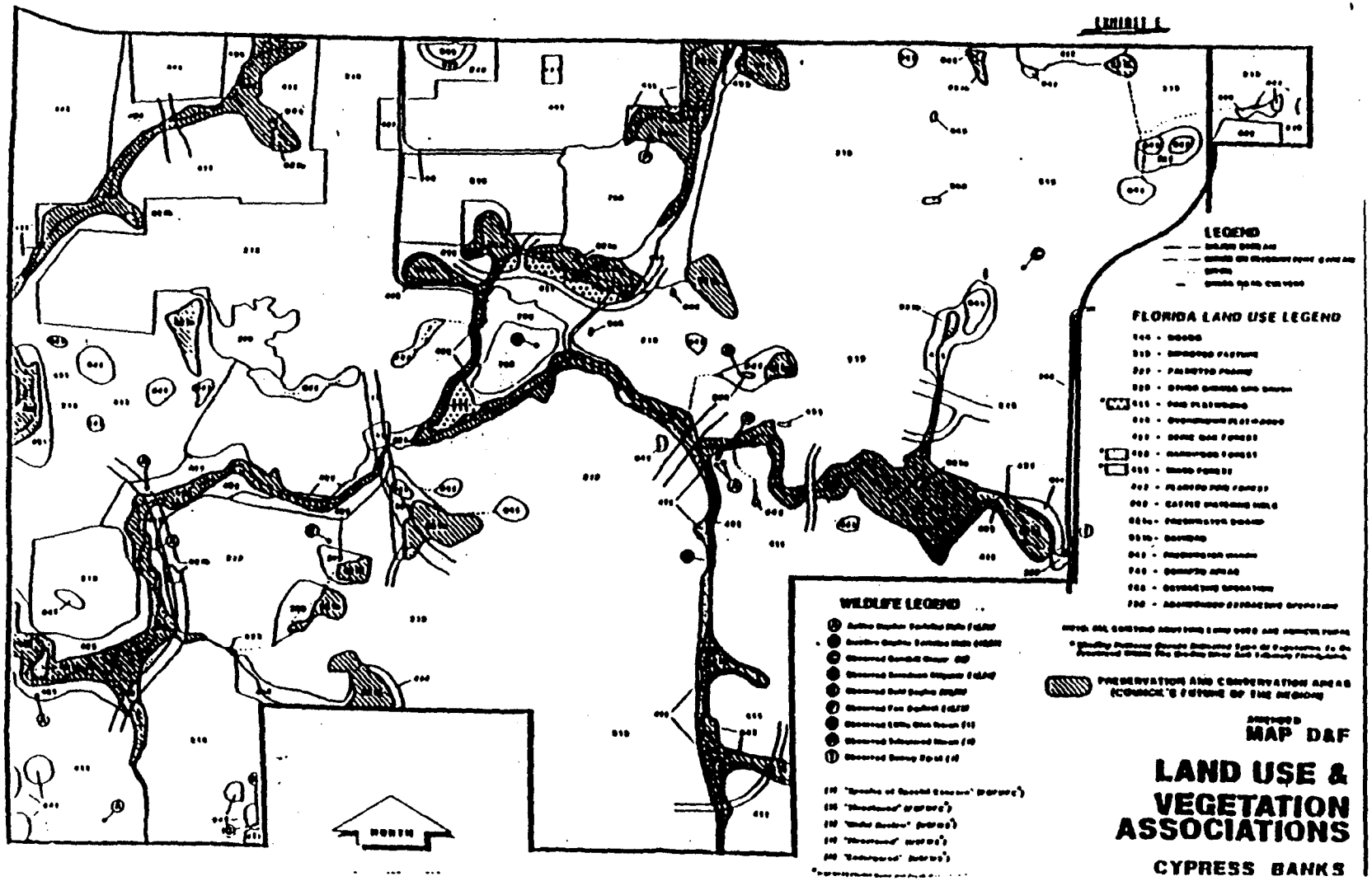
S.R. 70	
45th Street East to Caruso Rd.:	61.0
6-lane divided to six-lane expressway.	(21.2)
S.R. 70	
Middle Entrance to Lorraine Rd.:	116.0
4-lane divided to 6-lane divided.	(68.2)
*University Pkwy.	
Planned Honore Rd. to I-75:	24.6
8-lane expressway to 8-lane freeway	(9.9)
I-75	
S.R. 70 to University Pkwy.:	21.1
10-lane freeway to 12-lane freeway.	
I-75	
University Pkwy. to Fruitville Rd.:	10.6
10-lane freeway to 12-lane freeway	

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that the Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meets the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

EXHIBIT E



STATE OF [illegible]
I hereby certify [illegible]
copy of ORDINANCE [illegible]
Board of County Commissioners [illegible]
the [illegible] day of [illegible] in Bradenton, Florida
of [illegible]

P. D. Shore
Clerk of Circuit Court
By: [illegible] D.C.

130

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

CERTIFIED MAIL
P 368 650 128

December 31, 1998

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Development Order for Cypress Banks DRI #17

Dear Mr. Butts:

Enclosed is a certified copy of Resolution R-98-300, the Resolution rescinding Resolution R-97-63, which was replacing Resolution R-89-161, as amended, for the Cypress Banks Development of Regional Impact (DRI #17), reinstating Resolution R-95-220 as the Cypress Banks DRI Development Order, as adopted in open session by the Manatee County Board of County Commissioners on December 15, 1998, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/jy
Enclosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

RESOLUTION R-98-300

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; RESCINDING RESOLUTION R-97-63, WHICH WAS REPLACING RESOLUTION R-89-161, AS AMENDED, FOR THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT (DRI), ALSO KNOWN AS DRI #17; REINSTATING RESOLUTION R-95-220, AS THE CYPRESS BANKS DRI DEVELOPMENT ORDER; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1989 the Board of County Commissioners adopted R-89-161, which adopted a Development Order for the Cypress Banks Development of Regional Impact (DRI); and

WHEREAS, over the past several years, the Board of County Commissioners adopted Resolutions R-89-161(R), R-92-170 and R-94-133 amending R-89-161; and

WHEREAS, the Board of County Commissioners adopted R-95-220 to supersede and replace R-89-161, as amended, as the Cypress Banks Development of Regional Impact Development Order; and

WHEREAS, the Board of County Commissioners adopted Resolution R-97-63 approving amendments to the Development Order for the Cypress Banks DRI on January 6, 1997; and

WHEREAS, the Florida Department of Community Affairs (DCA) filed an appeal of Resolution R-97-63 based primarily on objections to the new Transportation Conditions; and

WHEREAS, the Developer has requested that R-97-63 be rescinded and that the previous Development Order R-95-220 be reinstated in its entirety as the Development Order for the Cypress Banks Development of Regional Impact to resolve the aforementioned administrative appeal; and

WHEREAS, DCA concurs that repeal of R-97-63 shall amicably resolve the administrative appeal, DEPARTMENT OF COMMUNITY AFFAIRS v. MANATEE COUNTY, a political Subdivision of the State of Florida; and SMR-1 DEVELOPMENT CORPORATION, A Florida corporation, Case No. App.-98-004.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. Resolution R-97-63 is hereby rescinded in its entirety.

2. Resolution R-95-220 shall be in full force and effect and shall be the Development Order for the Cypress Banks Development of Regional Impact.

3. The Planning Department is directed to send certified copies of this Resolution with thirty (30) days notice to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

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

5. This Resolution shall become effective upon adoption of this Resolution and recording of the notice as required by Paragraph 4 above.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida on this 15th day of December, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Patricia M. Glass
Chairman

ATTEST: **R. B. SHORE**
CLERK OF THE CIRCUIT COURT

By: By Deputy Clerk

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 28th day of December 1998.
R. B. SHORE
Clerk of Circuit Court
By: Patricia A. Nitum D.C.

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

TB

CERTIFIED MAIL
P 368 650 186

February 5, 1998

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Fl 33702

Re: Development Order for Cypress Banks DRI #17

Dear Ms. Greene:

Enclosed is a certified copy of Resolution R-97-63, the development order for Cypress Banks DRI #17, as adopted in open session by the Manatee County Board of County Commissioners on Janury 6, 1998, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6834.

Sincerely,

Norman Luppino

Norman Luppino
Principal Planner

NL/jy
Enclosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

RECORDED 1/6/98
PAGE NO.
MINUTE BOOK NO.

RESOLUTION NO. R-97-63

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING AND SUPERSEDING RESOLUTION R-89-161 AS AMENDED BY R-89-161(R), R-92-170, R-94-133 AND R-95-220 WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO AUTHORIZE THE COMMENCEMENT OF DEVELOPMENT OF PHASE 2 AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1.

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as "Cypress Banks" or the "Development"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133 adopting amendments to the Development Order for Cypress Banks on May 26, 1994, to provide for an extension of the buildout dates by 4 years and 364 days until August 7, 2014, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the Board of County Commissioners approved Resolution R-95-220 adopting amendments to the Development Order for Cypress Banks on February 22, 1996, to provide for a change to Map H and Exhibit D, a change to the Development Components and to add the Definition of "District"; and

WHEREAS, the Developer has requested that the Development Order for Cypress Banks be further amended to authorize the commencement of development of Phase 2, and

WHEREAS, on December 16, 1997 and January 6, 1998 the Board of County Commissioners held public hearings to consider the foregoing; and

WHEREAS, the proposed changes as conditioned herein, are found to not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes as conditioned herein, are consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the proposed changes as conditioned herein, are found not to be a substantial deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 6TH DAY OF JANUARY, 1998, THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO AUTHORIZE THE COMMENCEMENT OF DEVELOPMENT OF PHASE 2 DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AND THAT THE DEVELOPMENT ORDER (R-89-161 AS AMENDED) IS HEREBY AMENDED, REPLACED AND SUPERSEDED AS FOLLOWS:

SECTION 2. FINDINGS OF FACT.

A. SMR-1 Development Corporation, doing business as SMR Development Corporation, hereinafter referred to as the "Developer", previously submitted to Manatee County, Florida, an Application for Development Approval ("ADA") and Sufficiency Responses which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133, R-95-220, and has also submitted the requested amendment identified as R-97-63. Hereinafter, the word "Application" shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133, R-95-220 and the requested change R-97-63 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

B. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

C. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Resolution, pursuant to Section 380.06, Florida Statutes (FS).

D. The said Board of County Commissioners held Public Hearings on December 16, 1997 and January 6, 1998 regarding said proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at said Public Hearings.

E. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN.

F. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

G. The authorized agent for Cypress Banks DRI is Roger Postlethwaite, SMR-1 Development Corporation, 7550 Lorraine Road, Bradenton, Florida 34202.

H. The owner of the property, which SMR-1 Development Corporation intends to develop, is Schroeder-Manatee Ranch, Inc., as well as individual lot owners within areas which have been platted.

I. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County and Tampa Bay Regional Planning Council (TBRPC).

J. Resolutions R-89-161, R-89-161(R), R-92-170, R-94-133 and R-95-220 have been amended, replaced and superseded in their entirety by this Resolution.

SECTION 3. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.

2. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.

3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on November 14, 1997.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

C. That the review by the County, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and its Conceptual Master Plan are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

4,923	single-family residences
578	multi-family units
203,500	s.f. commercial
151.4	acres of golf courses

SECTION 5. DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as "Map H" which is attached to this resolution as Exhibit "F" (revised 9/06/95) and which replaces the previous Map H (revised). Hereinafter, "Map H" shall refer to Map "H", as revised by this Resolution. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR-1 Development Corporation, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised 9/06/95) as set forth on "Exhibit F" hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 203,500 square foot shopping center, 5,501 residential units, and 151.4 acres for golf courses.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site plan, or final site plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

SECTION 6. DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning Department that the Traffic Study* for that Phase, as defined in "Exhibit D" (revised 9/06/95), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation

Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of this Resolution R-95-220 (completed). Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D" (revised 9/06/95). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3).

B.(4) In the event a Preliminary Development Plan* for Phase II, III, or IV is submitted more than one year in advance of the schedule established in "Exhibit D" (revised 9/06/95), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D" (revised 9/06/95).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase.

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA) and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land Development Code (LDC) [completed for Phases I and II]. Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as reported in the most recent FDOT or Highway Capacity Manual publications of any roadway segment or intersection in the Transportation Impact

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

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D" (revised 9/06/95).

C.(3) a. Approval of the 1405 residential units and the religious center in Phase I and 1,405 residential units, a 203,500 square foot shopping center, and 2 golf courses in Phase II is contingent upon the following:

1. For Phase I, the Developer* has demonstrated the availability of adequate infrastructure for roadway capacity for the 1405 residential units and was issued a Level of Certificate of Service for traffic which shall expire November 15, 2000. The Certificate is conditioned upon the completion of River Club Boulevard to its connection with Lakewood Ranch Boulevard, and Lakewood Ranch Boulevard as a two-lane roadway from the southern terminus of River Club Boulevard to University Parkway east of Interstate 75, prior to the approval of the final plat for the 795th residential unit (completed).

2. For Phase II, the Developer* has conditionally demonstrated the availability of adequate infrastructure for roadway capacity for the 1405 residential units, 203,500 square feet of commercial space, and 2 golf course in Phase 2 and is hereby issued a Level of Certificate of Service for traffic which shall expire August 6, 2005. The Certificate is conditioned upon the following:

(a) No improvements are needed for development (final plats or final site plan if platting is not required) resulting in 10 percent (160 trips) of the total p.m. peak hour external vehicular trips in Phase 2. 160 trips equates to the following development:

Single-Family Residential	150 d.u.
Golf Course	18 holes
Shopping Center	50,000 sq.ft.

(b) Prior to Final Plat approval (or Final Site Plan approval if platting is not required) for development resulting in more than 160 of the total p.m. peak hour external vehicular trips in Phase 2, the improvements pursuant to Exhibit C shall be required.

b. Approval of each Preliminary Site Plan, except for the 1405 residential units in Phase I, shall be contingent upon satisfaction of one of the following:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the buildout

schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Policy 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

3. The Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC ~~and~~ DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's* request that Relocated 301 improvements as originally noted in "Exhibit C", be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Management Department (EMD) (or their successors) for approval and the Tampa Bay Regional Planning

Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Management Department (EMD) (or their successors) [completed for phase I]. Construction monitoring shall be initiated at the beginning of construction [completed] and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA) and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 17-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be approved by the Manatee County Environmental Management Department (EMD) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) [completed for phase I]. The County's Environmental Management Department (EMD) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC's) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval [completed for phase I].

D.(3) In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission. Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Game and Fresh Water Fish Commission (FGFWFC).

D.(4) All wetlands within the site are considered "jurisdictional" and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D&F in the ADA) designated as forest cultivation areas at the time of Conceptual Plan Approval.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures on non-single family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD) and/or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in conformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan as amended.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 17-25.035(1)(b) or Rule 17-25.04 or Rule 17-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County [completed for phase I].

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Management Department (EMD) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Management Department (EMD) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed [completed for phase I]. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning Department and Environmental Management Department (EMD) (or their successor) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all

applicable state, regional, and local requirements including Rule 17-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 17-3, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Management Department (EMD) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Management Department (EMD) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. "Watt-wise Construction" with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

b. Cross-ventilation;

c. Window orientation for the most efficient heating and cooling systems;

d. Solar heating and cooling systems; and

e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit "A" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R).

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net

loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) The Developer* shall be responsible for contributing a prorata share of the cost of land acquisition, construction and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to prorata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase II [agreement completed for Phase I].

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR-1 Development Corporation, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) Manatee County Zoning Ordinance Z-86-30(R5) is incorporated herein and made a part hereof by reference.

H.(17) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, [development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

H.(18) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(19) This Development Order shall expire on August 7, 2014.

H.(20) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

H.(21) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. (Completed) If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the

development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, Manatee County's Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh and alluvial zones. (ADA, pgs. 19 and 21)

2. The following wind, water and soil erosion abatement methods will be followed:

   - preserve existing trees as buffers between adjacent developed areas.
   - control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
   - control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
   - sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
   - preserve natural land cover by selective clearing of the site.
   - utilize water spray trucks in heavy construction traffic areas.
   - design swales, ditches and culverts for peak velocities in the three to six feet per second maximum range.
   - preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (ADA, pp. 21-22).

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 17-3 and Rule 17-4.242 (ADA, pg. 42) [completed for phase I].

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (ADA, pg. 43)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural "fringe-area" adjacent to the Braden River and three of the largest streams on-site, directly into the contiguous stream. (ADA, pg. 45)

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwaters will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

Floodplains

1. The main Zephyr lily and brown ladies' tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

Economy

The developer will provide a prorata share contribution for Fire, EMS and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County Right-of-Way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County Right-of-Ways shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

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

ALSO:

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

ALSO:

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

ALSO:

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

Begin at the southwest corner of said Section 22; thence S 89°29'58" E., along the south line of said Section 22, 100.00 ft., thence N 00°30'04" E., parallel with the west line of said Section 22 and 100 ft., easterly therefrom, a distance of 2,397.34 ft. to the P.C. of a curve, concave to the southeast having a radius of 950.00 ft.; thence run northeasterly, along the arc of said curve, through a central angle of 68°46'17", a distance of 1,140.27 ft., to the PRC of a curve, concave to the northwest having a radius of 1,050.00 ft.; thence run northeasterly along the arc of said curve, through a central angle of 68°37'34", a distance of 1,257.64 ft.; thence S. 89°21'12" E., parallel with the south R/W of State Road No. 70, and 900.00 ft. southerly therefrom, a distance of 872.00 ft., thence N. 00°38'48" E., perpendicular with said south R/W, 900.00 ft. to the intersection with the south R/W of said State Road No. 70, thence N 89°21'12" W., along said south R/W; 2,250.12 ft. to the intersection with the west line of said Section 22; thence S 00°30'04" W, along said west section line, 5,162.33 ft. to the P.O.B.

ALSO:

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

ALSO:

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

Less the following described land:

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

ALSO:

Commence at the northeast corner of Section 20, Twp. 35 S., Rge 19 E., also being the northwest corner of Section 21, Twp. 35 S., Rge 19 E.; thence S 00°05'32" W, along the common line between Section 20 and 21, 1,010.00 ft., for a P.O.B.; thence S 66°05'32" W, 280.00 ft.; thence S 23°54'28" E, 628.89 ft. to the intersection with said common line between Section 20 and 21; thence S 00°05'32" W, along said common section line, 450.00 ft.; thence

S 64°54'28" E, 580.00 ft.; thence N 25°05'32" E, 917.59 ft.; thence N 23°54'28" W, 875.72 ft.; thence S 66°05'32" W, 610.00 ft. to the P.O.B., being and lying in Section 20 and 21, Twp. 35 S, Rge 19 E., Manatee County, Florida. Containing 26.20 acres more or less.

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

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT.

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners. (Development has commenced)

SECTION 10. RESTRICTIONS ON DOWN-ZONING.

For two (2) years from the original date (this time has passed) upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 11. BINDING ORDER UPON DEVELOPER.

That this order shall be binding upon the Developer, its successors, assigns or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES.

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 13. RECORDING.

The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the effective date of this resolution to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING.

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning Department a copy of the recorded notice.

SECTION 15. SEVERABILITY

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

SECTION 16. EFFECTIVE DATE.

This Ordinance shall become effective upon filing and recording of a public notice as required by Section 12 above and filing of this Ordinance with the Secretary of State, provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order.

SECTION 15. NEW DEVELOPMENT ORDER FOR DRI NO. 14.

The previous development order for CYPRESS BANKS which was adopted on November 16, 1989 and all subsequent amendments are hereby replaced in their entirety.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida, on this 6th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Patricia M. Glass
Chairman

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

Deputy Clerk

EXHIBITS A, B, D, E, AND F

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER

A. ADA & Sufficiency Responses
B. Map J
D. Phasing Schedule
E. Modified Map D & F
F. Conceptual Master Plan

EXHIBIT C
(REVISED - December, 1997)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections		
S.R. 70 @ Caruso Rd.		
Add eastbound left-turn lane to mitigate.		
Add eastbound and westbound through to restore.		
**Under construction.		
S.R. 70 @ 45th Street		
Add eastbound and westbound through lane to mitigate and restore		
*Under construction.		
Site Access:		
S.R. 70 @ West Entrance (Lakewood Ranch Blvd.):	100	
Signalize.		
Add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane. (Completed)		
Fwy Ramp Intersections:		
I-75 @ S.R. 70		
Signalize. Eastbound intersection		8.9
Westbound intersection		8.3
Links:		
53rd Ave. (S.R. 70)		
U.S. 301 to 45th St.:		
4-lane undivided to 6-lane divided (Under construction)	5.4	
S.R. 70		
45th St. to Caruso Rd.:	10.9	
4-lane undivided to 6-lane divided (Under construction)		
S.R. 70		
Caruso Rd. to I-75:	13.8	
2-lane rural to 4-lane undivided (Under construction)		
University Pkwy.		
Planned Honore Rd. to I-75:		
2-lane rural to 6-lane divided.		
**Completed.		
Fruitville Rd.		
McIntosh Rd. to I-75:		
2-lane rural to 4-lane divided.		
**Completed.		

EXHIBIT C (Continued)
(REVISED - December. 1997)
Phase II

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections		
Site Access:		
S.R. 70 @ West Entrance (Lakewood Ranch Blvd.):		
Construct second northbound left-turn lane.		53.3
Fwy Ramp Intersections:		
I-75 @ University Parkway (East side)		1.8
Construct second eastbound left-turn lane and extend northbound dual left-turn lanes.		
Links:		
53rd Ave. (S.R. 70)		
U.S. 301 to 45th St.:		
4-lane undivided to 6-lane divided. (Under construction)	10.5	
S.R. 70		
45th St. to Caruso Rd.:	39.6	
4-lane undivided to 6-lane divided. (Under construction)	(21.0)	
S.R. 70		
Caruso Rd. to I-75:	50.0	
4-lane undivided to 6-lane divided (Under construction)	(29.4)	
S.R. 70		
Oak Run Drive to Lakewood Ranch Blvd.		28.5
2-lane rural to 4-lane divided: a.) Construct second northbound left-turn lane at SR 70 and River Club Blvd. b.) Conduct arterial signal progression analysis study along SR 70 from I-75 to Lorraine Rd.		
University Pwky.	8.8	
Rel. 301 to Lockwood Ridge Rd.: 2-lane undivided to 4-lane divided. (Completed)		
University Pkwy.	8.8	
Lockwood Ridge Rd. to planned Honore Rd.: 2-lane rural to 6-lane divided. (Completed)		
S.R. 64		
Morgan Johnson Rd. To I-75 2-lane undivided to 4-lane divided. (Programmed for 4-lane prior to end of Phase I) (Completed)		
U.S. 301		
1st St. to 15th St.: 2-lane undivided to 4-lane divided. (Completed)		

Fruitville Rd.

Tuttle Ave. to McIntosh Rd.:

2-lane rural to 4-lane undivided

(Programmed for 6-lane prior to end of Phase I)

(Completed)

Fruitville Rd.

McIntosh Rd. to I-75:

4-lane divided to 6-lane divided.

(Programmed 6-lane prior to end of Phase I)

(Completed)

EXHIBIT C (Continued)
(REVISED)
Phase III

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections:		
None.		
Site Access:		
None.		
Fwy Ramp Intersections:		
None.		
Freeway Ramps:		
None.		
Links:		
I-75		
S.R. 70 to S.R. 64:		
6-lane freeway to 8-lane freeway	5.2	
S.R. 70		
Westerly project entrance to Middle entrance:	126.2	
4-lane divided to 6-lane	(74.2)	
University Pkwy.		
Rel. 301 to Lockwood Ridge Rd.:	8.7	
4-lane divided to 6-lane divided.		
University Pkwy.		
Lockwood Ridge Rd. to planned Honore Rd.:	11.1	
6-lane divided to 6-lane expressway.	(7.3)	
University Pkwy.		
Planned Honore Rd. to I-75:	20.3	
6-lane expressway to 8-lane expressway.	(10.9)	
I-75		
S.R. 70 to University Pkwy.:	17.4	
8-lane freeway to 10-lane freeway.	(13.1)	
I-75		
University Pkwy to Fruitville Rd.:	8.7	
8-lane freeway to 10-lane freeway.	(6.5)	
Fruitville Rd.		
0.5 mi. E. of Lockwood Ridge Rd. To I-75:	9.2	
4-lane divided to 6-lane expressway.		
*9th Street West		
1st Street to 53rd Avenue East	14.9	
4-lane divided arterial		
Grade Separations:		
*S.R. 70 @ Caruso Rd.		14.4
*S.R. 70 @ 45th Street		10.3
*Relocated 301 & 53rd Ave. (S.R. 70)		5.9
Additional Link:		
Washington Boulevard.		
Desoto Road to Fruitville Road	5.7	
6-lane divided arterial		

EXHIBIT C (Continued)
(REVISED)
Phase IV

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections:		
None.		
Site Access:		
None.		
Fwy Ramp Intersections:		
None.		
Freeway Ramps:		
None.		
Links:		
9th Street West (U.S. 301 Blvd.)		
1st St. to 53rd Avenue:	18.1	
4-lane divided to 6-lane divided.	(9.6)	
S.R. 70		
Caruso Rd. to I-75:	77.0	
6-lane expressway to 8-lane expressway.	(18.5)	
S.R. 70		
I-75 to Westerly Project Rd.:	220.0	
6-lane divided to 6-lane expressway.	(88.1)	
S.R. 70		
45th Street East to Caruso Rd.:	61.0	
6-lane divided to 6-lane expressway.	(21.2)	
S.R. 70		
Middle Entrance to Lorraine Rd.:	116.0	
4-lane divided to 6-lane divided.	(68.2)	
*University Pkwy.		
Planned Honore Rd. to I-75:	24.6	
8-lane expressway to 8-lane freeway	(9.9)	
I-75		
S.R. 70 to University Pkwy.:	21.1	
10-lane freeway to 12-lane freeway		
I-75		
University Pkwy. to Fruitville Rd.:	10.6	
10-lane freeway to 12-lane freeway		

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that the Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meets the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for Relocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

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 5th day of February 19 98.
R. B. SHORE
Clerk of Circuit Court
By: [illegible] D.C.

MANATEE COUNTY
GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT
COMMUNITY PLANNING DIVISION

March 4, 1996

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Corrective Document - R-95-220 - Cypress Banks DRI #17

Dear Mr. Butts:

Enclosed please find a copy of the corrective document for Resolution R-95-220 - Cypress Banks DRI #17. This resolution had originally been adopted by our Board of County Commissioners on January 25, 1996; however, two scrivener's errors were discovered and were corrected by Board action on February 22, 1996.

A scrivener's error appeared in Condition D.(1) in the 4th line of the 1st paragraph. The words **"and approval"** should have been deleted as follows: ...and the Tampa Bay Regional Planning Council (TBRPC) for review ~~and approval~~ and shall provide one (1) year....

Also, in Condition H.(16), the Ordinance number was incomplete and should have read **Z-86-30(G)(R^3-B).**

If you have any questions, please contact Darenda Marvin of this department at (941) 749-3070, extension 6902.

Sincerely,

Michael R. Wood
Comprehensive Planning Administrator

MW/jy
Enclosure

cc: Georgianne Ratliff, Ratliff & Associates, Inc.
Caleb J. Grimes, Grimes Goebel Grimes & Hawkins, PA

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (813) 749-3070 • FAX: (813) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

THIS IS A CORRECTIVE DOCUMENT

RESOLUTION NO. R-95-220

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING AND SUPERCEDING RESOLUTION R-89-161 AS AMENDED BY R-89-161(R), R-92-170 AND R-94-133 WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; TO REVISE MAP H, AMEND EXHIBIT D TO CHANGE THE APPROVED LAND USES AND THE AMOUNT OF ACREAGE DEVOTED TO EACH LAND USE, AMEND SECTION 4 DEVELOPMENT COMPONENTS, ADD THE DEFINITION OF "DISTRICT" AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING AN EFFECTIVE DATE.

SECTION 1.

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as "Cypress Banks" or the "Development"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, was and is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the Planning Commission reviewed the Application for Development Approval and filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners solicited, received and considered reports, comments and recommendations from interested citizens, Regional and County and City agencies, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department; and

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R), which amended Resolution R-89-161 and adopted a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, subsequent to the adoption of Resolution R-89-161(R), the applicant requested that the Development Order (R-92-170) be amended to change Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 to provide for a revision to Exhibit D (Phasing Schedule) to allow the religious center to be

constructed in Phase I and to amend Transportation Condition C.(3), which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, subsequent to the adoption of R-92-170 the Developer* requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change extended the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, the Board of County Commissioners approved Resolution R-94-133, adopting a Development Order for Cypress Banks on May 26, 1994; and

WHEREAS, subsequent to the adoption of R-94-133, the Developer has requested that the Development Order for Cypress Banks be further amended to provide for a change to Map H and Exhibit D, a change to the Development Components and to the add the Definition of "District"; and

WHEREAS, on September 28, 1995 and January 25, 1996 the Board of County Commissioners held a public hearing to consider the foregoing; and

WHEREAS, the proposed changes as conditioned herein, are found to not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan; and

WHEREAS, the proposed changes as conditioned herein, are found to be consistent with the State Comprehensive Plan; and

WHEREAS, the proposed changes as conditioned herein, are consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the proposed changes as conditioned herein, are found not to be a substantial deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IN A REGULAR MEETING ASSEMBLED THIS 25TH DAY OF JANUARY, 1996, THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO MAP H, EXHIBIT D AND THE DEVELOPMENT COMPONENTS AND THE ADDITION OF THE DEFINITION OF "DISTRICT" DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AND THAT THE DEVELOPMENT ORDER (R-89-161 AS AMENDED) IS HEREBY AMENDED, REPLACED AND SUPERCEDED AS FOLLOWS:

SECTION 2. FINDINGS OF FACT.

A. SMR-1 Development Corporation, doing business as SMR Development Corporation, hereinafter referred to as the "Developer", previously submitted to Manatee County, Florida, an Application for Development Approval ("ADA") and Sufficiency Responses which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference, Notices of Proposed Change for R-92-170, R-94-133 and has also submitted the requested amendment identified as R-95-220. Hereinafter, the word "Application" shall mean the ADA, the Sufficiency Responses filed, the Notices of Proposed Change for R-92-170, R-94-133 and the requested change R-95-220 and other exhibits duly submitted and recorded for a project to be known as Cypress Banks Development of Regional Impact (DRI).

B. The real property which is the subject of this Application is legally described as set forth in Section 8 of this Development Order.

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C. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amendment to an approved Development of Regional Impact, known as Cypress Banks, as it relates to the real property described in Section 8 of this Resolution, pursuant to Section 380.06, Florida Statutes (FS).

D. The said Board of County Commissioners held a Public Hearing on September 28, 1995 regarding said proposed amendment to an approved Development of Regional Impact described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, Land Development Code and has further considered the information received at said Public Hearing.

E. The proposed amendment to Development of Regional Impact regarding the property described in Section 8 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, THE MANATEE COUNTY COMPREHENSIVE PLAN.

F. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

G. The authorized agent for Cypress Banks DRI is Roger Postlethwaite, SMR-1 Development Corporation, 7550 Lorraine Road, Bradenton, Florida 34202.

H. The owner of the property, which SMR-1 Development Corporation intends to develop, is Schroeder-Manatee Ranch, Inc., as well as individual lot owners within areas which have been platted.

I. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County and Tampa Bay Regional Planning Council (TBRPC).

J. Resolution R-89-161, R-89-161(R), R-92-170 and R-94-133 have been amended, replaced and superceded in their entirety by this Resolution.

SECTION 3. CONCLUSIONS OF LAW:

A. Based upon the previous findings of fact and the following conditions of development approval, the Board of County Commissioners of Manatee County concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.

2. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, and the Manatee County Comprehensive Plan.

3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on August 28, 1995.

B. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

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C. That the review by the County, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, F.S., within the terms and conditions of this Order and the Application. To the extent that the Application is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS.

The Application for the Cypress Banks DRI and its Conceptual Master Plan are hereby approved to allow the following development to take place, subject to the conditions listed in this Development Order:

4,923	single-family residences
578	multi-family units
203,500	s.f. commercial
151.4	acres of golf courses

SECTION 5. DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the Application and shown as "Map H" which is attached to this resolution as Exhibit "F" (revised 9/06/95) and which replaces the previous Map H (revised). Hereinafter, "Map H" shall refer to Map "H", as revised by this Resolution. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a General Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR-1 Development Corporation, its heirs, successors and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the Preliminary Development Plan*, Preliminary Plat, Site Development Plan*, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.

A.(6) "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services and/or related Development Order commitments and

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conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.

A.(7) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(8) "Master Development Plan*" shall be defined as Map H (revised 9/06/95) as set forth on "Exhibit F" hereto and made a part hereof. This Plan depicts the development described in the Application and includes the following land uses: 203,500 square foot shopping center, 5,501 residential units, and 151.4 acres for golf courses.

A.(9) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Site Plan for a phase or subphase as defined in The Manatee County Land Development Code (LDC) for a Phase or Sub-Phase.

A.(10) "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site plan, or final site plan to be submitted for consideration of approval pursuant to the LDC.

A.(11) "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.

A.(12) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(13) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(14) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

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TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75
I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

SECTION 6. CONDITIONS

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan*. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning, Permitting and Inspections Department that the Traffic Study* for that Phase, as defined in "Exhibit D" (revised 9/06/95), reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the Developer* may, at its option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

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B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a revised Preliminary Master Development Plan* prior to any further preliminary development approvals upon adoption of this Resolution R-95-220. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D" (revised 9/06/95). The Developer* shall complete or demonstrate substantial progress toward infrastructure, and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning, Permitting & Inspections after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in Paragraph C.(3).

B.(4) In the event a Preliminary Development Plan* for Phase II, III or IV is submitted more than one year in advance of the schedule established in "Exhibit D" (revised 9/06/95), the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D" (revised 9/06/95).

B.(5) A revised geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the revised Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase.

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA) and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Land Development Code (LDC) [completed for the first 1405 units which are Phase I]. Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%)

(or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

The Developer*, at his option, may update and verify to the Manatee County Transportation Authority* and the Planning, Permitting and Inspections Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer* will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D" (revised 9/06/95).

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C.(3) Approval of each Preliminary Development Plan* [completed for Phase I] shall be contingent upon satisfaction of the following:

A. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

B. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the Development Order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

C.(5) If the Traffic Studies* required in Paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C.(6) Pursuant to the Developer's* request that Relocated 301 improvements as originally noted in "Exhibit C", be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

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ENVIRONMENTAL CONDITIONS

D.(1) A surface water and quality monitoring program and any amendment thereto shall be submitted to the Manatee County Environmental Action Commission (EAC) (or their successors) for approval and the Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Environmental Action Commission (EAC) (or their successors) [completed for phase I]. Construction monitoring shall be initiated at the beginning of construction [completed] and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DEP Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the Developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA) and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 17-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Protection (FDEP).

The monitoring station location, sampling frequency and reporting schedule shall be approved by the Manatee County Environmental Action Commission (EAC) (or their successors) and submitted to Florida Department of Environmental Protection (FDEP) [completed for phase I]. The County's Environmental Action

Commission (EAC) (or their successors) shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council (TBRPC's) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval [completed for phase I].

D.(3) In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission. Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Game and Fresh Water Fish Commission (FGFWFC).

D.(4) All wetlands within the site are considered "jurisdictional" and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan.

D.(5) The development shall adhere to the provisions of the Manatee County Land Development Code (LDC), particularly Section 714, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D&F in the ADA) designated as forest cultivation areas at the time of Conceptual Plan Approval.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single ~~specimen~~ ~~Simpson~~ zephyr-lily (Zephryanthes simpsonii) ~~was observed~~ in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan*.

D.(8) Where feasible, the Developer* shall utilize multi-story structures on non-single family residences to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and water requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Protection (DEP), Southwest Florida Water Management District (SWFWMD) and/or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

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D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DEP jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone, in comformance with the Manatee County Land Development Code, established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Protection (FDEP).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan as amended.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 17-25.035(1)(b) or Rule 17-25.04 or Rule 17-25.042, F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County [completed for phase I].

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of the original Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Environmental Action Commission (EAC) (or their successor) with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Environmental Action Commission (EAC) (or their successor) analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan.

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E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed [completed for phase I]. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warrant, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or District* shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or District* for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DEP and TBRPC for review and to SWFWMD and Manatee County's Planning, Permitting and Inspections and Environmental Action Commission (EAC) (or their successor) for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 17-25.035(1)(b), FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 17-3, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978)

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Environmental Action Commission (EAC) (or their successor) prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity), reflect seasonal variations, and seek to enhance, where feasible, water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving water body (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the water body may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Environmental Action Commission (EAC) (or their successor) that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. "Watt-wise Construction" with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

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b. Cross-ventilation;

c. Window orientation for the most efficient heating and cooling systems;

d. Solar heating and cooling systems; and

e. Low pressure sodium lamps for exterior lighting.

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GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit "A" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e., 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment Plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Services Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box;

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows;

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer* shall maintain all waterlines and fire hydrants not dedicated to the County.

H.(8) The discovery o ny historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer* shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the county or the School Board regarding the 1,790 acres included in Z-86-30 (C)(R).

H.(10) The Developer* shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer* shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer* shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) The Developer* shall be responsible for contributing a prorata share of the cost of land acquisition, construction and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to prorata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I [agreement completed for Phase I].

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR-1 Development Corporation, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, and the Tampa Bay Regional Planning Council, the State Land

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Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation ~~determination that were filed in the~~ reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) Manatee County Zoning Ordinance Z-86-30(G)(R^3-B) is incorporated herein and made a part hereof by reference.

H.(17) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval,

[development commenced within time frame] or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

H.(18) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(19) This Development Order shall expire on August 7, 2014.

H.(20) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100). Should the Developer* not be able to obtain said permits, the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

H.(21) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, Manatee County's Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

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6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

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SECTION 7. DEVELOPER COMMITMENTS

The following items have been committed to by the developer in the ADA submittal and subsequent sufficiency responses.

General Project

1. The project will feature bike and pedestrian paths, interconnecting the housing areas of each owner to the recreation facilities, resort center and the community shopping center. (Application for Development Approval [ADA], pg. 7)

Air Quality

1. Several steps will be taken during the construction phases to reduce emissions generated by the project. (ADA, pg. 17)

2. Clearing and grubbing operations at the individual building sites will proceed only when construction is planned. Currently accessible watering procedures will be employed if fugitive dust becomes a problem. Upon completion of construction and final grading, disturbed areas will be seeded, sodded or mulched. (ADA, pg. 18)

Soils

1. The development will use such methods as: retention lakes, free draining grass swales and properly designed underdrains to reduce soil limitations, as well as limiting development in certain swamp, marsh and alluvial zones. (ADA, pgs. 19 and 21)

2. The following wind, water and soil erosion abatement methods will be followed:

- preserve existing trees as buffers between adjacent developed areas.
- control development progress so that a minimal amount of acreage (40-80 acres) is cleared for building sites at any one time.
- control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal.
- sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities.
- preserve natural land cover by selective clearing of the site.
- utilize water spray trucks in heavy construction traffic areas.

- design swales, ditches and culverts for peak velocities in the three to six feet per second maximum range.

- preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries. (ADA, pp. 21-22).

Water

1. An appropriate water quality monitoring plan will be developed pursuant to the possible requirements of the Development Order and subsequently submitted to TBRPC for review and comments. It will be designed to establish background and to assure compliance with all state standards, as set forth in Chapter 17-3 and Rule 17-4.242 (ADA, pg. 42) [completed for phase I].

2. Best Management Practices and design guidelines specified in Chapter 17-25, FAC, Rules of the Department of Environmental Protection, and Chapter 40D-4, Rules of the Southwest Florida Water Management District will be employed. An extra level of treatment will be provided through the placement of a double underdrain filtration system at all downstream lake outfalls and the selected positioning of detention/retention basins adjacent to established wetland communities. (ADA, pg. 43)

3. Prior to discharge, 90.25 percent of the total site drainage will drain through a series of mitigative features such as swales, wetlands, detention/retention basins, and lake underdrain filters. The remaining 9.75 percent will drain from the predominantly natural "fringe-area" adjacent to the Braden River and three of the largest streams on-site, directly into the contiguous stream. (ADA, pg. 45)

Wetlands

1. None of the existing Freshwater Swamp habitats will be removed under the proposed development plan. The proposed removal of 5.3 acres of Bayhead will be confined to three isolated communities as shown in Map D/F. (ADA, pgs. 57-58)

2. In conjunction with the preservation of land along the Braden River and its tributaries, additional areas within drainage corridors will be conserved as buffer zones. (ADA, pg. 60)

3. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

4. The shoreline of the existing large mining pits on-site will be recontoured and a littoral zone constructed to facilitate establishment of emergent vegetation. (ADA, pg. 60)

5. Wetland associations depicted on Map H (revised 9/06/95) and Map K will be preserved. (Sufficiency Response [S.R.], pg. 1)

6. Several precautions listed on pg. 8 of the Sufficiency Response will be incorporated to protect wetlands during construction.

7. Retention of stormwaters will provide at least as much recharge to the groundwater system as currently exists on-site. (S.R., pg. 8)

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Floodplains

1. The main Zephyr lily and brown ladies' tresses, two state listed plan species in areas to be developed, will be transplanted on-site or to their preferred habitats of Pine Flatwoods or Xeric Oak Forest. The other listed species occurring on the site will be protected by preservation of their preferred wetland habitats. (ADA, pg. 86-87)

2. Portions of the preferred habitats for the endangered, threatened, and special concern species observed on-site will be preserved in conservation areas throughout the project site (ADA, pg. 100).

3. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100).

Economy

The developer will provide a prorata share contribution for Fire, EMS and Police Station. (S.R. pg. 13)

Wastewater

1. The internal wastewater collection system and various pumping stations will be provided by the Developer in accordance with the regulations of the Public Works Department and constructed within the right-of-way dedicated to Manatee County (ADA, pg. 152).

2. The Developer will construct the off-site connection to the County system. (S.R., pg. 1)

Drainage

1. Approximately 48 acres of vegetated littoral zone will be created within the detention/retention lakes. (ADA, pg. 158)

2. Approximately 35 percent of the surface area of the detention/retention lakes will consist of vegetated littoral zone. The slopes in one marsh mitigation zone will be at least 8:1. (ADA, pg. 158)

3. All interior and minor drainage systems will be designed based on a ten-year storm event. The Soil Conservation Service method will be used throughout the design of the drainage system. (ADA, pg. 158)

4. Additional treatment of stormwater will be accomplished by providing double underdrain filtration at all lakes which are final discharge points to on-site existing drainageway. The double underdrain system will be sized to filter the first one-half inch of runoff from downstream subbasins in 72 hours. (ADA, pg. 161)

5. All major drainageways will contain easements so that the County maintenance crews will have right of access. Easements will be of sufficient size to include additional surface width to allow heavy equipment to work adjacent to the drainage ditch or slough (ADA, pg. 180). It is the goal of this commitment to provide the necessary maintenance access while maintaining the pristine nature of the fringe areas. Therefore, the County maintenance crews must strive to keep this fragile ecosystem intact and allow minimal intrusions.

6. In addition to easements, all homeowners and condominium associations or District* will have a prescribed stormwater management system maintenance program which will be sustained through assessment for maintenance of common elements. This will ensure that all structural and non-structural components of the stormwater management system will be kept in proper working order. (ADA, pg. 180)

7. All drainageways on the project will be private except where drainageways will cross the two major roadways which are proposed to be dedicated to Manatee County. (S.R., pg. 18)

Water Supply

1. Potable water demand will be satisfied by the off-site public supply while the non-potable irrigation demands will be obtained from on-site sources. (ADA, pg. 184)

2. The potable water supply system will be constructed by the Developer as each specific parcel is developed. Upon completion of each portion installed within County Right-of-Way, the system will be dedicated to MCPTD for operation and maintenance (ADA, pg. 187). All facilities not installed in County Right-of-Ways shall remain private.

3. The non-potable system will be maintained by its users (e.g., Homeowners Association, Condominium Association). (ADA, pg. 187)

4. The Developer will meet the National Fire Protection Association Code which is the current fire protection code or the Manatee County Comprehensive Plan, whichever is more stringent. (S.R., pg. 18)

5. The Developer will construct the off-site connection to the County system at the Developer's expense. (S.R., pg. 1)

Energy

There will be no on-site electrical generating facility. (ADA, pg. 198)

Recreation and Open Space

1. Tennis, racquetball, handball courts, and exhibition courts will be included in the total layout of the center. (ADA, pg. 212)

SECTION 8. LEGAL DESCRIPTION OF CYPRESS BANKS

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

ALSO:

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

ALSO:

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

ALSO:

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

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Begin at the southwest corner of said Section 22; thence S 89°29'58" E., along the south line of said Section 22, 100.00 ft., thence N 00°30'04" E., parallel with the west line of said Section 22 and 100 ft., easterly therefrom, a distance of 2,397.34 ft. to the P.C. of a curve, concave to the southeast having a radius of 950.00 ft.; thence run northeasterly, along the arc of said curve, through a central angle of 68°46'17", a distance of 1,140.27 ft., to the PRC of a curve, concave to the northwest having a radius of 1,050.00 ft.; thence run northeasterly along the arc of said curve, through a central angle of 68°37'34", a distance of 1,257.64 ft.; thence S. 89°21'12" E., parallel with the south R/W of State Road No. 70, and 900.00 ft. southerly therefrom, a distance of 872.00 ft., thence N. 00°38'48" E., perpendicular with said south R/W, 900.00 ft. to the intersection with the south R/W of said State Road No. 70, thence N 89°21'12" W., along said south R/W; 2,250.12 ft. to the intersection with the west line of said Section 22; thence S 00°30'04" W, along said west section line, 5,162.33 ft. to the P.O.B.

ALSO:

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

ALSO:

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

Less the following described land:

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

ALSO:

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

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

SECTION 9. <u>DEADLINE FOR COMMENCEMENT OF DEVELOPMENT</u>.

Physical development of the project shall commence by August 8, 1992, unless the time period for commencement is extended by the Board of County Commissioners.

SECTION 10. <u>RESTRICTIONS ON DOWN-ZONING</u>.

For two (2) years from the original date (this time has passed) upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the condition underlying the approval of the order have occurred; or

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B. The order was based upon substantially inaccurate information provided by the Developer; or

C. The change is clearly established by the County to be essential for the public health, safety or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 11. BINDING ORDER UPON DEVELOPER.

That this order shall be binding upon the Developer, its successors, assigns or successors in interest.

SECTION 12. COMPLIANCE WITH CODES, ORDINANCES.

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 13. RECORDING.

The Planning, Permitting and Inspections Department is hereby directed to send certified copies of this order within thirty (30) days of the effective date of this resolution to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

SECTION 14. NOTICE OF RECORDING.

The Developer shall record a notice of adoption of this order as required pursuant to Chapter 380, F.S., and shall furnish the Planning, Permitting and Inspections Department a copy of the recorded notice.

SECTION 15. EFFECTIVE DATE.

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and the expiration of any appropriate appeal period.

SECTION 16. Upon becoming effective, this resolution shall replace R-89-161 (R), R-92-170 and R-94-133 in their entirety.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, the 25th day of January, 1996, and corrected by Board of County Commissioners action this 22nd day of February 1996.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Sam Seigler
Chairman

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

By: Susan G. Rowine

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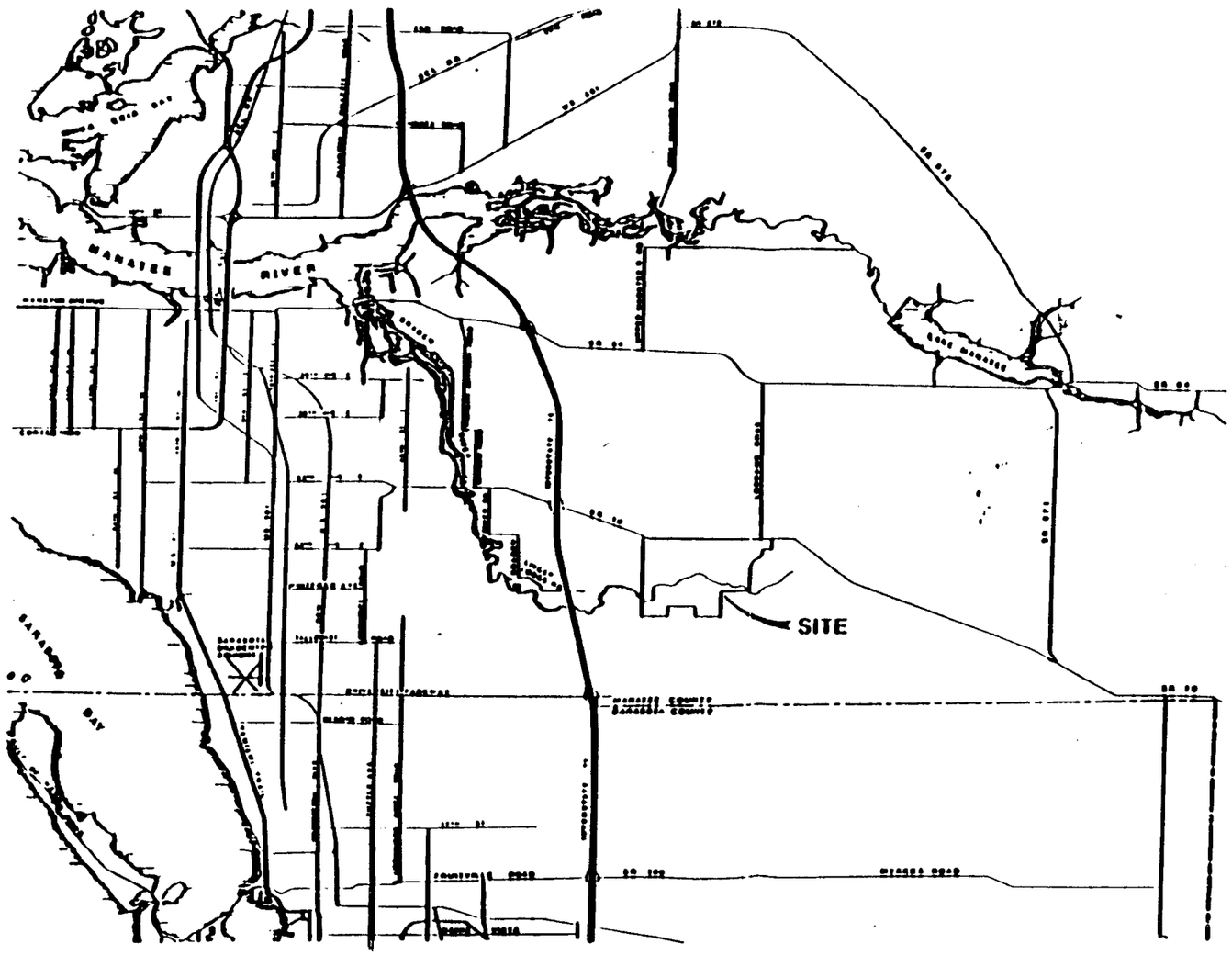
EXHIBIT A

(ADA AND SUFFICIENCY RESPONSES)

IS NOT ATTACHED DUE TO ITS LARGE SIZE
BUT IS ON FILE AT THE CLERK'S OFFICE



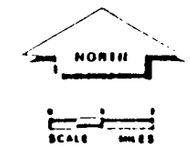


EXHIBIT B

EXHIBIT B

MAP J

TRANSPORTATION NETWORK

CYPRESS BANKS

ned development

Manatee County, Florida

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Intersections		
S.R. 70 @ Caruso Rd.		
Add eastbound left-turn lane to mitigate.		
Add eastbound and westbound through to restore.		
**Planned Programmed Improvement.		
S.R. 70 @ 45th Street		
Add eastbound and westbound through lane to mitigate and restore		
**Planned Programmed Improvement.		
Site Access:		
S.R. 70 @ West Entrance:	100	
Signalize, add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane.		
S.R. 70 @ Middle Entrance:	100	
Add northbound left-turn/right-turn lane, unsignalized.		
Fwy Ramp Intersections:		
I-75 @ S.R. 70		
Signalize. Eastbound intersection		8.9
Westbound intersection		8.3
Links:		
53rd Ave. (S.R. 70)		
U.S. 301 to 45th St.:	5.4	
4-lane undivided to 6-lane divided		
S.R. 70		
45th St. to Caruso Rd.:	10.9	
4-lane undivided to 6-lane divided		

Links (continued):

S.R. 70
Caruso Rd. to I-75: 13.8
2-lane rural to 4-lane undivided

University Pkwy.
Planned Honore Rd. to I-75:
2-lane rural to 6-lane divided.
**Planned Program Improvement.

Fruitville Rd.
McIntosh Rd. to I-75:
2-lane rural to 4-lane divided.
**Planned Programmed Improvement.

EXHIBIT C (Continued)
(REVISED)
Phase II

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

Links:

S.R. 70 — 143.0
I-75 to West Project Entrance:
2-lane rural to 6-lane divided.

S.R. 70 — 90.2-113.4
Westerly Project Entrance to Lorraine Rd:
2-lane rural to 4-lane divided.

University Pwky. — 8.8
Rel. 301 to Lockwood Ridge Rd.:
2-lane undivided to 4-lane divided
(Planned Programmed Improvement)

University Pwky. — 8.8
Lockwood Ridge Rd. to planned Honore Rd.:
2-lane rural to 6-lane divided.

University Pwky. — 16.0
Planned Honore Rd. to I-75:
6-lane divided to 6-lane expressway.

I-75 — 13.7
S.R. 70 to University Pwky.:
6-lane freeway to 8-lane freeway

I-75 — 6.9
University Pwky. to Fruitville Rd.:
6-lane freeway to 8-lane freeway.

S.R. 64
Morgan, Johnson Rd. to I-75
2-lane undivided to 4-lane divided.
(Programmed for 4-lane prior to end of Phase I)

Links (continued):

U.S. 301
1st St. to 15th St.:
2-lane undivided to 4-lane divided.

Fruitville Rd.
Tuttle Ave. to McIntosh Rd.:
2-lane rural to 4-lane undivided.
(Programmed 6-lane prior to end of Phase I)

Fruitville Rd.
McIntosh Rd. to I-75:
4-lane divided to 6-lane divided.
(Programmed 6-lane prior to end of Phase I)

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS C Peak Capacity
Grade Separation		
* U.S. 301 and 53rd Avenue East		8.6

EXHIBIT C (Continued)
(REVISED)
Phase III

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

Links (continued):

University Pkwy.	
Lockwood Rige Rd. to planned Honore Rd.:	11.1
6-lane divided to 6-lane expressway.	(7.3)
University Pkwy.	
Planned Honore Rd. to I-75:	20.3
6-lane expressway to 8-lane expressway.	(10.9)
I-75	
S.R. 70 to University Pkwy.:	17.4
8-lane freeway to 10-lane freeway.	(13.1)
I-75	
University Pkwy. to Fruitville Rd.:	8.7
8-lane freeway to 10-lane freeway.	(6.5)
Fruitville Rd.	
0.5 mi. E. of Lockwood Ridge Rd. to I-75:	9.2
4-lane divided to 6-lane expressway.	
*9th Street West	
1st Street to 53rd Avenue East	14.9
4-lane divided arterial	

Grade Separations:

*S.R. 70 @ Caruso Rd.	14.4
*S.R. 70 @ 45th Street	10.3
*Relocated 301 & 53rd Ave (S.R. 70)	5.9

Additional Link:

Washington Boulevard.	
DeSoto Road to Fruitville Road	5.7
6-lane divided arterial	

EXHIBIT C (Continued)
(REVISED)
Phase IV

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

Links:

S.R. 70	
45th Street East to Caruso Rd.:	61.0
6-lane divided to six-lane expressway.	(21.2)
S.R. 70	
Middle Entrance to Lorraine Rd.:	116.0
4-lane divided to 6-lane divided.	(68.2)
*University Pkwy.	
Planned Honore Rd. to I-75:	24.6
8-lane expressway to 8-lane freeway	(9.9)
I-75	
S.R. 70 to University Pkwy.:	21.1
10-lane freeway to 12-lane freeway	
I-75	
University Pkwy. to Fruitville Rd.:	10.6
10-lane freeway to 12-lane freeway	

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that the Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meets the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE**	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990-August 7, 2000)	Religious Center	First Golf Course	1405*
II (August 7, 2000-2005)	203,500 s.f. (Community Shopping)	Second Golf Course	1405
III (August 7, 2005-2010)			1406
IV (August 7, 2010-2014)			1285
TOTAL	**203,500 s.f.**		**5501**

* A minimum of 100 units shall be multi-family.

** The original phasing schedule was based upon the projections in the ADA - with a completion date of 2006.

revised 9/06/95

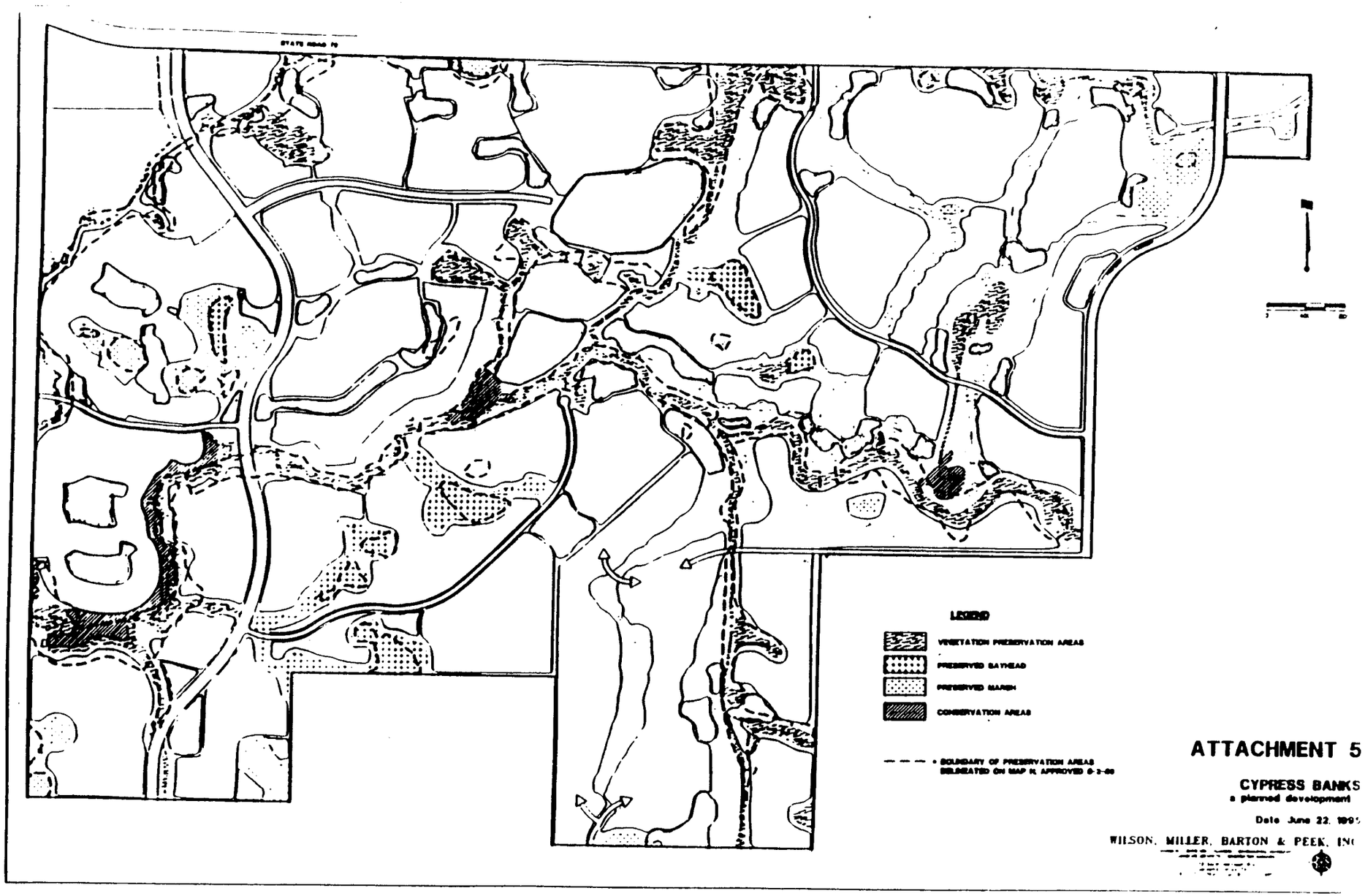

STATE ROAD 70
LEGEND
VEGETATION PRESERVATION AREAS
PRESERVED BAYHEAD
PRESERVED MARSH
CONSERVATION AREAS
BOUNDARY OF PRESERVATION AREAS
DELINEATED ON MAP H, APPROVED 6-2-89
ATTACHMENT 5
CYPRESS BANKS
a planned development
Date June 22, 1991
WILSON, MILLER, BARTON & PEEK, INC

EXHIBIT E

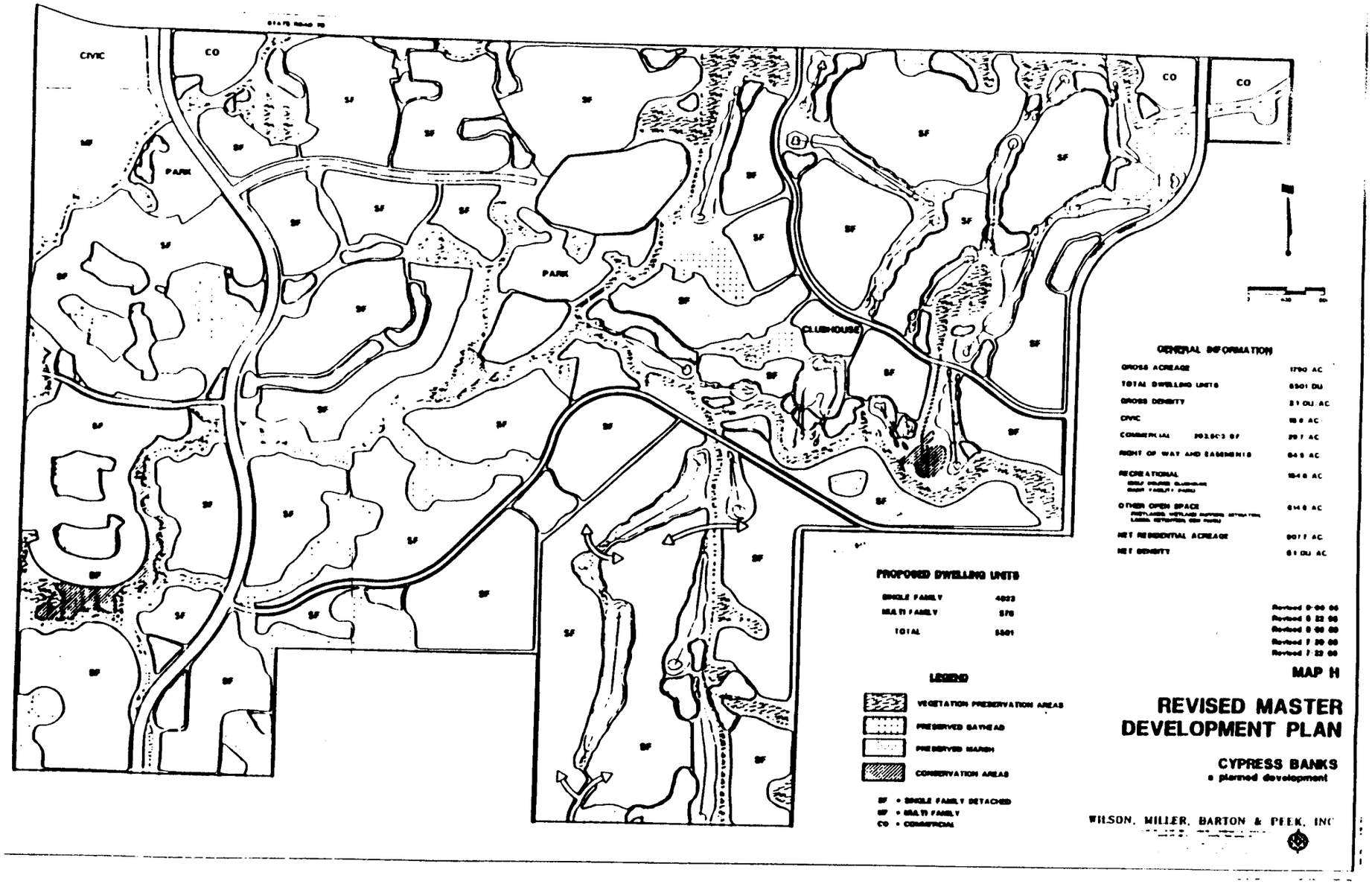


EXHIBIT F

STATE OF FLORIDA COUNTY OF MANATEE

I hereby certify that the foregoing is a true copy of RESOLUTION NO. R95-220 adopted by the Board of County Commissioners of said County on the 22nd day of February, 1995 this 4th day of March, 1995, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By [signature] D.C.

MANATEE COUNTY
GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

June 3, 1994

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Greene:

Enclosed is a certified copy of Resolution R-94-133 which was approved by the Board of County Commissioners on May 26, 1994 to amend the Cypress Banks Development of Regional Impact Development Order, and supplied to you pursuant to Rule 9J-2.025, F.A.C.

If you have any questions, please call (813) 749-3070.

Sincerely,

Betsy Benac
Assistant Director

/im
Enclosure

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

R-94-133
CYPRESS BANKS DEVELOPMENT ORDER
RESOLUTION GRANTING AMENDMENTS TO R-89-161(R)
AS AMENDED BY R-92-170

WHEREAS, the Board of County Commissioners approved Resolution R-89-161(R) adopting a Development Order for Cypress Banks on November 16, 1989; and

WHEREAS, the Board of County Commissioners approved Resolution R-92-170 adopting amendments to the Development Order for Cypress Banks on September 8, 1992 which amendments were found not to be a substantial deviation to the originally approved Development Order; and

WHEREAS, the proposed changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan; and

WHEREAS, the proposed change is consistent with the State Comprehensive Plan; and

WHEREAS, the proposed change will be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code; and

WHEREAS, the Developer* has requested that the Development Order for Cypress Banks be further amended to provide for an extension of the buildout dates, modify the timing requirement for the submittal of Preliminary Site Plans for Phases 2 through 4, and modify transportation conditions; and

WHEREAS, the proposed change will extend the buildout date by 4 years and 364 days for the Cypress Banks DRI until August 7, 2014; and

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that:

1. The Board finds that the proposed changes to the phasing schedule, Preliminary Site Plan submittal requirement, transportation conditions and the effective date of R-89-161(R), as amended, are not a substantial deviation, that the amended conditions adequately address the impacts of the proposed changes to the Development Order.

2. Development condition B.(3), transportation conditions C.(2) and C.(3), the Development Order expiration date and the phasing schedule are hereby amended to read in their entirety as follows:

B.(3) The Developer* shall submit a Preliminary Development Plan* or Preliminary Master Development Plan* for the development within twenty-four (24) months of Development Order approval. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* coinciding with the Phasing time schedule shown in "Exhibit D". The Developer* shall complete or demonstrate substantial progress toward infrastructure and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of

County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning and Zoning after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in paragraph C.(3).

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* approval pursuant to the Manatee County Comprehensive Zoning and Land Development Code (LDC). Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology acceptable to the County Transportation Authority*, TBRPC and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

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

C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:

a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

b. If approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact

Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements, to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area*, are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after the first 1405 residential units in Phase I, the Developer* shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer* shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

H.(19) This Development Order shall expire on August 7, 2014.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE***	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990-August 7, 2000)	Resort Center*	Tennis Complex First and Second Golf Course (18 Holes Each) Religious Center	1405**
II (August 7, 2000-2005)	203,500 s.f. Community Shopping	Third Golf Course (18 Holes) Equestrian Center	1405
III (August 7, 2005-1010)			1406
IV (August 7, 2010-2014)			1406
		TOTAL	5622

* Includes 27,000 s.f. of Specialty Retail.

** 300 rooms in Resort Hotel - Hotel does not count as dwelling unit. A minimum 100 units shall be multi-family.

*** The original phasing Schedule was based upon the projections in the ADA - with a completion date of 2006.

3. All other provisions of Development Order Resolution No. R-89-161(R), as amended by R-92-170, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 26th day of May, 1994.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

BY: Joe McClash
Joe McClash, First Vice-Chairman

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

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION NO. [illegible] adopted by the Board of County Commissioners of said County on the [illegible] day of [illegible], 19[illegible], this [illegible] day of [illegible], 19[illegible], in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: [illegible] D.C.

EXHIBIT A

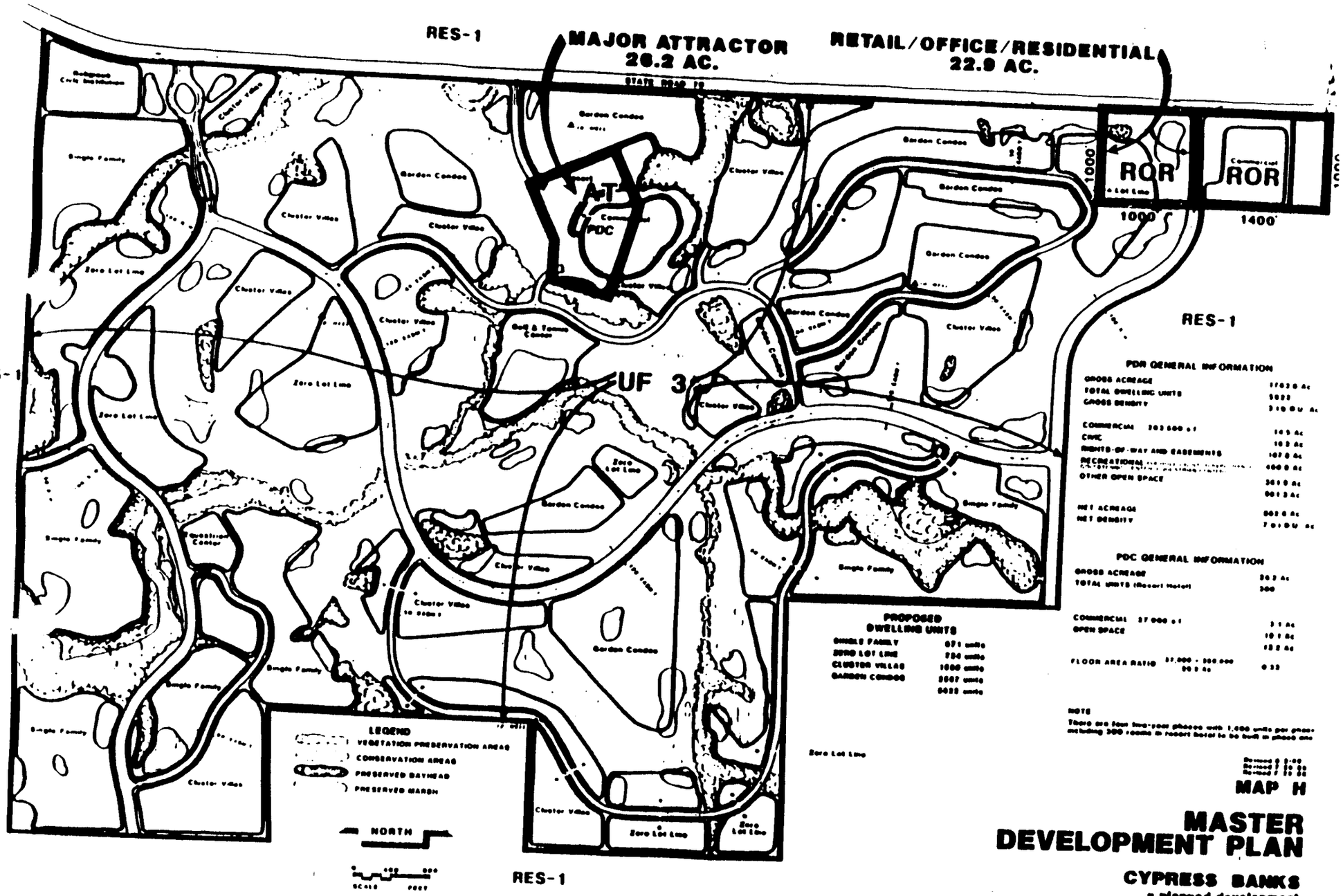


EXHIBIT A

MANATEE COUNTY
GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

CERTIFIED MAIL P 260 314 627

September 16, 1992

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Re: Corrective Document for Cypress Banks DRI Amended Development Order

Dear Ms. Greene:

Enclosed is a certified copy of the Corrective Document approved by the Board of County Commissioners on September 8, 1992 for the amended development order (R-92-170) for Cypress Banks.

If you have any questions, please contact Norm Luppino of this department at 748-4501, extension 3070.

Sincerely,

Betsy Benac

Betsy Benac
Coommunity Planning Administrator

mailed 9/16/92
received 9/17/92

BB/NL/jy

Enclosure

cc: Carol B. Clarke, Director, PPI
Norm Luppino, Principal Planner
Case File

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

RESOLUTION R-92-170

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-89-161(R), AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on November 16, 1989, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to SMR Development Corporation.

WHEREAS, the applicant has requested that the Development Order be amended to allow a change to Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved.

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to Exhibit D is not a substantial deviation and that Exhibit D is hereby amended as follows:

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the amended Condition C.(3) adequately addresses the impact of the proposed change to Exhibit D and Condition C.(3) of the Cypress Banks DRI is hereby amended as follows:

CONDITION C.(3)

C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:

a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic

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and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

b. For Phase I, with the exception of the religious center which shall comply with subparagraph C.(3)c. below, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for Phase I through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. The Developer* may elect, at the time of Phase I preliminary development plan submittal, to mitigate the transportation impacts of Phase I of the project through the payment to Manatee County of its proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology as $913,469.00 or the projected impact fees for the Transportation component for the entire first phase, whichever is greater. If the proportionate share is greater, it shall be adjusted annually based on Florida Construction Index until paid.

   Manatee County shall utilize the Developer's payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75 which area is identified in Exhibit "C" of the Development Order. The improvements constructed shall be at a cost equal to or greater than the Developer's proportionate share as adjusted. The timing of commencement of construction and completion of construction shall be

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identified prior to or with the approval of the Preliminary Development Plan and the TBRPC and the DCA shall be notified of such schedule, provided that the improvements shall be completed by the buildout date of Phase I, or within five years of approval of the first preliminary development plan for Phase I, whichever is earlier.

Any payments due shall be paid in cash or by certified check under this subparagraph C.(3)b.2 and shall be paid on or before the earlier of the following:

(i) at the time of the application for the first building permit for any building structure within the Phase; OR

(ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph C.(3)b.2.

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

c. For all development after Phase I, and the religious center which is scheduled in Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level

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of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after Phase I, the Developer shall comply with C.(3)a. or C.(3)c.1, or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

d. Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under Subparagraph C.(3)b.2., the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to C.(3)b.2.(i) and C.(3)b.2.(ii) above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer has posted a Letter of Credit, and no payment has been paid pursuant to Paragraph C.(3).b.2.i or C.(3).b.2.ii above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3)b.2. above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

e. In the event that Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements

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of either subparagraphs C.(3)a. or C.(3)b.1. of stipulation C.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph C.(3).b.2 in the time and manner set forth therein, the option to Developer* under subparagraph C.(3).b.2. shall terminate.

3. All other provisions of Development Order Resolution No. R-89-161(R) shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ORIGINALLY ADOPTED AND APPROVED, by the Board of County Commissioners of Manatee County, Florida on the 23rd day of July, 1992.

THIS CORRECTIVE DOCUMENT IS PASSED AND DULY ADOPTED this 8th day of September, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A Snell
Chairman

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

THIS IS A CORRECTIVE DOCUMENT

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a copy of RESOLUTION NO. 92-170 adopted by the Board of County Commissioners of said County on the 8th day of Sept., 1992, this 11th day of Sept., 1992, in Bradenton.
R. B. Shore
Clerk of Circuit Court
By: Jan Rook

RESOLUTION R-92-170

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-89-161(R), AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on November 16, 1989, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to SMR Development Corporation.

WHEREAS, the applicant has requested that the Development Order be amended to allow a change to Exhibit D to allow the religious center to be constructed in Phase I instead of Phase II as approved.

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to Exhibit D is not a substantial deviation and that Exhibit D is hereby amended as follows:

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the amended Condition C.(3) adequately addresses the impact of the proposed change to Exhibit D and Condition C.(3) of the Cypress Banks DRI is hereby amended as follows:

CONDITION C.(3)

C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:

a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic

identified prior to or with the approval of the Preliminary Development Plan and the TBRPC and the DCA shall be notified of such schedule, provided that the improvements shall be completed by the buildout date of Phase I, or within five years of approval of the first preliminary development plan for Phase I, whichever is earlier.

Any payments due shall be paid in cash or by certified check under this subparagraph C.(3)b.2 and shall be paid on or before the earlier of the following:

(i) at the time of the application for the first building permit for any building structure within the Phase; OR

(ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph C.(3)b.2.

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

c. For all development after Phase I, and the religious center which is scheduled in Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level

of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after Phase I, the Developer shall comply with C.(3)a. or C.(3)c.1, or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

d. Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under Subparagraph C.(3)b.2., the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to C.(3)b.2.(i) and C.(3)b.2.(ii) above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3)b.2. above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

e. In the event that Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements of either subparagraphs C.(3)a. or C.(3)b.1. of stipulation C.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).

3. All other provisions of Development Order Resolution No. R-89-161(R) shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED AND APPROVED with a quorum present and voting this 23rd day of July, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Snell
Chairman

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

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of RESOLUTION R-92-170 adopted by the Board of County Commissioners of said County on the 23 day of July, 1992, this 13 day of August, 1992, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: D.C.

SB ✓ LH—
SC ✓ file SC

MANATEE COUNTY GOVERNMENT

PLANNING & ZONING DEPARTMENT

November 20, 1989

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Received 11/21/89

Re: R-89-161(R) Cypress Banks Development Order

Dear Ms. Greene:

Staff has reviewed the amended Development Order that was received by your office on November 16th. After consultation with our legal department, we have concluded that the inconsistencies in stipulations C-5 and C-6 represent a scrivener's error which has been corrected to reflect the changes actually before the Board of County Commissioners, and the approval which they granted, and to be consistent with the amended zoning ordinance which was approved at the same session. The corrections reflect what was advertised to be amended in the approved Development Order and what was presented to the Planning Commission and the Board of County Commissioners.

The request, as it was advertised and presented to the Planning Commission and the Board of County Commissioners, was limited to the changes as suggested in the settlement agreement between your agency, DCA, and the developer. The request authorizing the changes was stated as follows:

> Approval to amend stipulations A(1), A(5), C(3), add new stipulation C(4) and renumber stipulations C(4) and C(5), and revise Exhibit C of an approved Development Order as part of a settlement agreement with DCA and TBRPC. Located in the Braden River Watershed south of State Route 70, approximately 2 miles east of I-75. Containing 5622 dwelling units, a 300 room hotel and 230,500 sq. ft. of commercial space. Present Zoning: PDC/PDR/WP/ST (Planned Development Commercial, Planned Development Residential, Watershed Protection & Special Treatment Overlay Districts) (1790± acres).

Therefore, the Commission did not have before it any changes or deletions to the body of stipulations C-4 and C-5 (C-5 and C-6 as amended) as was reflected in the resolution you received. Stipulations C-4 and C-5 were only to be renumbered.

1112 Manatee Avenue West, Suite 804 - P.O. Box 1000, Bradenton, FL 34206

Tel. (813) 748-4501 **FAX- (813) 747-7651**

After reviewing the tapes of the meeting, we were able to verify that it was specifically stated by staff at the meeting that the request, if approved as recommended, would be consistent with the ordinance Z-86-30(R) that was just approved. That ordinance was approved with the correct language in stipulations 37 and 38, which corresponded with stipulations C-4 and C-5 (C-5 and C-6 as renumbered). It was also stated that the changes that were being made were to conform with the settlement agreement entered into on November 13, 1989.

In conclusion, based upon these findings, and the fact that the amended stipulations C-5 and C-6 make no sense, staff has determined the incorrect amended development order that was sent to you on November 16th to be the result of a scrivener's error caused by a mechanical mishap of the word processor. We hereby render a corrected certified development order, as was approved by the Board of County Commissioners in open session November 16, 1989.

If you have any questions, please do not hesitate to contact me. We apologize for any inconvenience this may have caused you.

Sincerely,

Betsy Benac

Betsy Benac
Community Planning Administrator

BB/NL/jy

Enclosure

MANATEE COUNTY
GOVERNMENT

PLANNING & ZONING DEPARTMENT

RECEIVED
NOV 17 1989
Tampa Bay Regional
Planning Council

November 16, 1989

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Greene:

Please find enclosed the certified copies of Resolution No. R-89-161(R) and Manatee County Ordinance No. Z-86-30(R) which were approved by the Manatee County Board of County Commissioners in open session on November 16, 1989 for the Cypress Banks DRI. These copies are hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, I can be reached at (813) 748-4501, extension 3070.

Sincerely,

Betsy Benac

Betsy Benac
Community Planning Administrator

BB/jy

Enclosures (2)

1112 Manatee Avenue West, Suite 804 - P.O. Box 1000, Bradenton, FL 34206

Tel. (813) 748-4501 **FAX- (813) 747-7651**

RESOLUTION NO. R-89-161(R)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDMENT TO THE APPROVED MANATEE COUNTY RESOLUTION NO. R-89-161 AND A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #17; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Hooper, seconded by Commissioner Snell, the following resolution was adopted by a vote of 4-1, with Commissioner Kent Chetlain voting "NO".

WHEREAS, on December 6, 1985, SMR Development Corporation filed an Application for Development Approval of a Development of Regional Impact with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND SEVEN HUNDRED AND NINETY ACRES, located in East Manatee County, hereinafter referred to as "Cypress Banks" or the "Development"; and

WHEREAS, the described project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County on August 8, 1989, approved the application for Cypress Banks DRI and the Conceptual Plan; and

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

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens and County and City agencies, as well as the review and report of the Manatee County Planning and Zoning Department.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 16TH DAY OF NOVEMBER, 1989, AS FOLLOWS:

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

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

B. The said Board of County Commissioners on August 8, 1989 approved Development Order Resolution No. R-89-161 with the Conceptual Development Plan and Conditions.

C. The said Board of County Commissioners held a public hearing on November 16, 1989 to consider amending Development Order Resolution No. R-89-161 to address concerns of TBRPC and DCA regarding transportation impact mitigation.

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

Section 2. Section 5 of Manatee County Resolution No. R-89-161 titled Cypress Banks, is hereby AMENDED to read in its entirety as follows:

SECTION 5. DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined.
Manatee County Planning and Zoning Department

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(2) "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the DRI application and shown as "Map H" of the Cypress Banks Master Development Plan. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a Conceptual Development Plan in The Manatee County Land Development Code (LDC).

A.(3) "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4) "Developer*" shall mean the applicant, SMR-1 Development Corporation, his heirs and assigns or designated entity.

A.(5) "Development Approval*" shall mean any approval for development granted through the *Preliminary Development Plan, Preliminary Plat, Site Development Plan, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.

A.(6) "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, landscaping, water, sewer, communication, utilities, etc.

A.(7) "Master Development Plan*" shall be defined as Map H incorporated as "Exhibit F" and made a part hereof.

This Plan depicts the development described in the ADA and as revised, includes the following land uses: 203,500 square foot shopping center, with 27,000 square feet of accessory commercial space, 5,622 residential units, 300 hotel rooms, an equestrian center, and three 18-hole golf courses.

A.(8) "Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Development Plan for a Phase or subphase as defined in The Manatee County Comprehensive Zoning and Land Development Code (LDC) for a Phase or Sub-Phase.

A.(9) "Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site development plan, or final site development plan to be submitted for consideration of approval pursuant to the LDC.

A.(10) "Traffic Study*" shall mean a report presented by the developer, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.

A.(11) "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(12) "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(13) "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

TABLE 1
IMPACTED TRANSPORTATION FACILITIES
(1989 TO 2009)

S.R. 70

U.S. 301 to 45th Street East
45th Street East to Caruso Road
Caruso Road to I-75

I-75 to West Project Entrance
West Project Entrance to Lorraine Road

University Parkway

1 mile west of I-75 to Lockwood Ridge Road
I-75 to 1 mile west of I-75
U.S. 301 to Lockwood Ridge Road

Interstate 75

S.R. 70 to University Parkway
University Parkway to Fruitville Road
S.R. 70 to S.R. 64

9th Street East

1st Street to 53rd Avenue East

Washington Boulevard

DeSoto Road to Fruitville Road

Fruitville Road

I-75 to 0.5 mile east of Lockwood Ridge Road

DEVELOPMENT CONDITIONS

B.(1) This Development Order grants approval of the Application for Development Approval (ADA) of the Cypress Banks Development as depicted on the Master Development Plan* At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Authority* and Planning and Zoning Department that the Traffic Study* for that Phase, as defined in "Exhibit D", reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that traffic study must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the Transportation Impact Area* except as provided for in Paragraph C.(3). However, nothing set forth in this Development Order shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes (FS). As stated below, the developer may, at his option, update and verify the existing traffic study when it can be shown that the conditions described in the Traffic Study* have not substantially changed. (Manatee County Planning and Zoning)

B.(2) Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittals.

B.(3) The Developer* shall submit a Preliminary Development Plan* or Preliminary Master Development Plan* for the development within twenty-four (24) months of Development Order approval. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date

of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* at five (5) year increments coinciding with the Phasing time schedule shown in "Exhibit D". The Developer* shall complete or demonstrate substantial progress toward infrastructure and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning and Zoning after consultation with the County Transportation Authority*.

If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in paragraph C.(3).

B.(4) In the event a Preliminary Development Plan* for Phase II, III, or IV is submitted more than one year in advance of the schedule established in "Exhibit D", the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D".

B.(5) A geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the first Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units, with square feet, land areas and densities and intensities for each residential Sub-Phase.

TRANSPORTATION CONDITIONS

C.(1) The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs (DCA) and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs C.(3) and C.(4). (Manatee County Planning and Zoning Department)

C.(2) Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Comprehensive Zoning and Land Development Code (LDC). Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior .approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council (TBRPC) or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology consistent with generally acceptable to the County Transportation

Authority*, TBRPC and DCA. Any such Traffic Study* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals* impacting the same roadway.

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

C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:

a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; **OR**

b. For Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for Phase I through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the <u>Manatee County Comprehensive Plan</u>; **OR**

2. The Developer* may elect, at the time of Phase I preliminary development plan submittal, to mitigate the transportation impacts of Phase I of the project through the payment to Manatee County of its proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology as $913,469.00 or the projected impact fees for the Transportation component for the entire first phase, whichever is greater. If

the proportionate share is greater, it shall be adjusted annually based on Florida Construction Index until paid.

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

Any payments due shall be paid in cash or by certified check under this subparagraph C.(3).b.2 and shall be paid on or before the earlier of the following:

(i) at the time of the application for the first building permit for any building structure within the Phase: **OR**

(ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph C.(3).b.2.

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

c. For all development after Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program; Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; **OR**

2. For all development after Phase I, the Developer shall comply with C.(3).a. or C.(3).c.1, or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

d. Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under Subparagraph C.(3).b.2, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to

Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to C.(3).b.2.i and C.(3).b.2.ii, above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer has posted a Letter of Credit, and no payment has been paid pursuant to Paragraph C.(3).b.2.i or C.(3).b.2.ii above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3).b.2 above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

e. In the event that Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements of either subparagraphs C.(3).a. or C.(3).b.1 of stipulation C.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph C.(3).b.2. in the time and manner set forth therein, the option to Developer* under subparagraph C.(3).b.2. shall terminate.

C(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

C(5) If the Traffic Studies* required in paragraph C.(2) above show that Acceptable Levels of Service* are not being maintained on the roadway segment listed in Table 1 or if funding as set forth above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained, which will ensure the construction of the roadway segment(s) prior to the anticipated build-out of the Phase for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

C(6) Pursuant to the Developer's* request that Relocated 301 improvements as originally noted in "Exhibit C" be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Manatee County Transportation Division* has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken.

ENVIRONMENTAL CONDITIONS

D.(1) A surface water quality monitoring program and any amendment thereto shall be approved by the Manatee County Pollution Control Department (MCPCD) and Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Pollution Control Department (MCPCD). Construction monitoring shall be initiated at the beginning of construction and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DER Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course and equestrian areas. Should the monitoring indicate that water quality is being degraded below pre-development (baseline) levels as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected. If the developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be responsible for exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA) and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 17-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Regulations (FDER).

The monitoring station location, sampling frequency, and reporting schedule shall be approved by the Manatee County Pollution Control Department (MCPCD) and submitted to Florida Department of Environmental Regulation (FDER). The County's Pollution Control Department shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

D.(2) The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as

defined in the Tampa Bay Regional Planning Council's (TBRPC's) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval.

D.(3) In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission. Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; those gopher tortoises and comensals which are outside of the preservation area shall be relocated after obtaining the appropriate permits from the Florida Game and Fresh Water Fish Commission (FGFWFC).

D.(4) All wetlands within the site are considered "jurisdictional" and thus shall be altered only with approval of all applicable jurisdictional entities and in accordance with the Manatee County Comprehensive Plan.

D.(5) The development shall adhere to the provisions of the Manatee County Comprehensive Zoning and Land Development Code (LDC), particularly Section 205F.1, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D&F in the ADA) designated as forest cultivation areas at the time of Conceptual Plan Approval.

D.(6) Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

D.(7) A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services for the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site in an area which is not to be preserved on the Master Development Plan.*

D.(8) Where feasible, the Developer* shall utilize multi-story structures to save natural land cover and reduce the amount of impervious surface.

D.(9) Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and watering requirements.

D.(10) No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Regulation (DER), Southwest Florida Water Management District (SWFWMD) and/or the Army Corps of Engineers and in accordance with the Manatee County Comprehensive Plan.

D.(11) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

D.(12) There shall be a fifty foot (50') buffer zone established adjacent to post-development jurisdictional wetlands. Where the buffer zone has been substantially retained in an unaltered natural state at the time of the adoption of The Manatee County Comprehensive Plan, said buffer shall be located between any private lot lines and the post development jurisdictional wetland. All building setbacks shall be measured from the buffer zone. All buffers shall be identified as an undisturbed conservation easement for Manatee County on the Preliminary* and Final Development Plans and Subdivision Plats and shall be physically identified on site at property lines so as to be visible where the easement crosses the property line. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation, and require that any replanting within the buffer be with flora native to Manatee County.

D.(13) Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Regulations (FDER).

D.(14) All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Manatee County Comprehensive Plan as amended.

DRAINAGE

E.(1) Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty percent (50%) of the treatment criteria specified in Rule 17-25.035(1)(b) or Rule 17-25.04 or Rule 17-25.042 F.A.C.

E.(2) In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to ensure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County.

E.(3) Existing net water flow (groundwater and surface water) contributions from the site to the Braden River watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two (2) years from the date of issuance of this Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Pollution Control Department with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County Pollution Control Department's analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan that includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan. (Manatee County Planning and Zoning and CDM)

E.(4) The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed. Further, the Developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warranty, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

E.(5) Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or Special District (if established by the County) shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or Special District for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

E.(6) There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

E.(7) Prior to the issuance of any relevant construction permits for each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DER and TBRPC for review and to SWFWMD and Manatee County's Planning and Zoning and Pollution Control Departments for approval.

E.(8) To protect the water quality, the Developer* shall be required to include the following parameters:

a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including Rule 17-25.035(1)(b) FAC, and SWFWMD Rule 40D-4, FAC;

b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 17-3, FAC;

c. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978);

d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that include and address the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Pollution Control Department prior to commencement of development and issuance of permits;

e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

f. The Developer* will provide for positive outfalls for all off-site flows through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

E.(9) The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

E.(10) All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity) reflect seasonal variations, and seek to enhance where feasible water quality contributions to the Braden River.

E.(11) Stormwater discharge, either direct or indirect, shall not cause a receiving waterbody (Water of the State) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the waterbody may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Department of Pollution Control that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

F.(1) Upon approval by Manatee County, the Developer* shall provide to all Cypress Banks businesses information that:

a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease, including the reporting requirements of Chapter 252, Florida Statutes.

F.(2) The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

G.(1) The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

a. "Watt-wise Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

b. Cross ventilation;

c. Window orientation for the most efficient heating and cooling systems;

d. Solar heating and cooling systems; and

e. Low pressure sodium lamps for exterior lighting.

GENERAL CONDITIONS

H.(1) The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in Composite Exhibit "A" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

H.(2) The Developer* shall adhere to the following soil, wind, and water erosion abatement methods given on page 22 of the ADA, including:

a. Preserve existing trees as buffers between adjacent developed areas;

b. Control development progress so that a minimal amount of acreage (i.e. 40-80 acres) is cleared at any one time;

c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

d. Preserve natural land cover by selective site clearing (e.g., limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

g. Design swales, ditches and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

H.(3) The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

H.(4) The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WOE or WO-M. Any and all wastewater facilities must be

designed in accordance with all applicable regulations including the obtaining of all appropriate permits for construction and operation. No septic system shall be permitted within the development.

H.(5) No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

H.(6) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

c. Wet wells to contain sewage line surcharges/overflows.

d. Emergency bypass pumpouts for tank trucks; and

e. 100 percent redundancy in lift station pumping equipment.

H.(7) The Developer*, shall maintain all water lines and fire hydrants not dedicated to the County.

H.(8) The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

H.(9) The Developer*, shall make his fair share contribution for school sites in the southeast county area. To meet this contribution, prior to final development approval for residential units of Phase I, and in no event later than approval of the first Preliminary Development Plan for Phase II, the Developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase an adjoining ten (10) acres at fair market value or offer an acceptable school impact fee credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the County or the School Board regarding the 1,790 acres included in Z-86-30(C)(R).

H.(10) The Developer*, shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

H.(11) The Developer*, shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

H.(12) The Developer*, shall be required to maintain all common open space areas within the project, including the onsite reservoir.

H.(13) 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 police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I.

H.(14) The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

H.(15) SMR Development Corporation, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning and Zoning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the development order was issued;

(e) An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

H.(16) Manatee County Zoning Ordinance Z-86-30 attached hereto as "Exhibit E" is incorporated herein and made a part of by reference.

H.(17) If more than five years shall elapse between approval of this Order and commencement of actual development under County development approval, or if any five-year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

H.(18) Should the Developer* fail to conduct monitoring or maintenance in accordance with the provisions of this Development Order, all construction within the Cypress Banks Development shall cease until monitoring or maintenance as required herein has been restarted and, in the case of a failure to properly monitor, one year of new baseline data acceptable to Manatee County has been obtained and verified.

H.(19) This Development Order shall expire on August 8, 2009.

H.(20) The Shopping Center at the Southeast quadrant of the intersection of Lorraine Road and S.R. 70 shall be designed to be oriented for the residents of this Development. This shall be accomplished through building orientation, signage control, access and buffering and shall be reviewed at time of Preliminary Development Plan*.

H.(21) Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Freshwater Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100). Should the developer* not be able to obtain said permits the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

H.(22) In order to ensure that people will find adequate housing opportunities reasonably accessible to their

places of employment, the Developer shall, prior to commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create substantial need for adequate housing that is not being provided by other residential developments proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, Manatee County's comprehensive plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

Section 3. Exhibit "C" of Resolution No. R-89-161 is hereby amended as shown in Exhibit "C" hereto and is incorporated herein by reference.

Section 4. Legal Description:

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

ALSO:

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

ALSO:

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

ALSO:

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

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

ALSO:

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

ALSO:

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

Less the following described land:

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

ALSO:

P.D.G.
DESCRIPTION: CYPRESS BANKS PROPOSED:

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

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

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

Section 6. This resolution shall become effective immediately upon adoption by the Board of County Commissioners.

APPROVED AND ADOPTED in open session by a majority vote of the Board of County Commissioners this 16th day of November, 1989.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

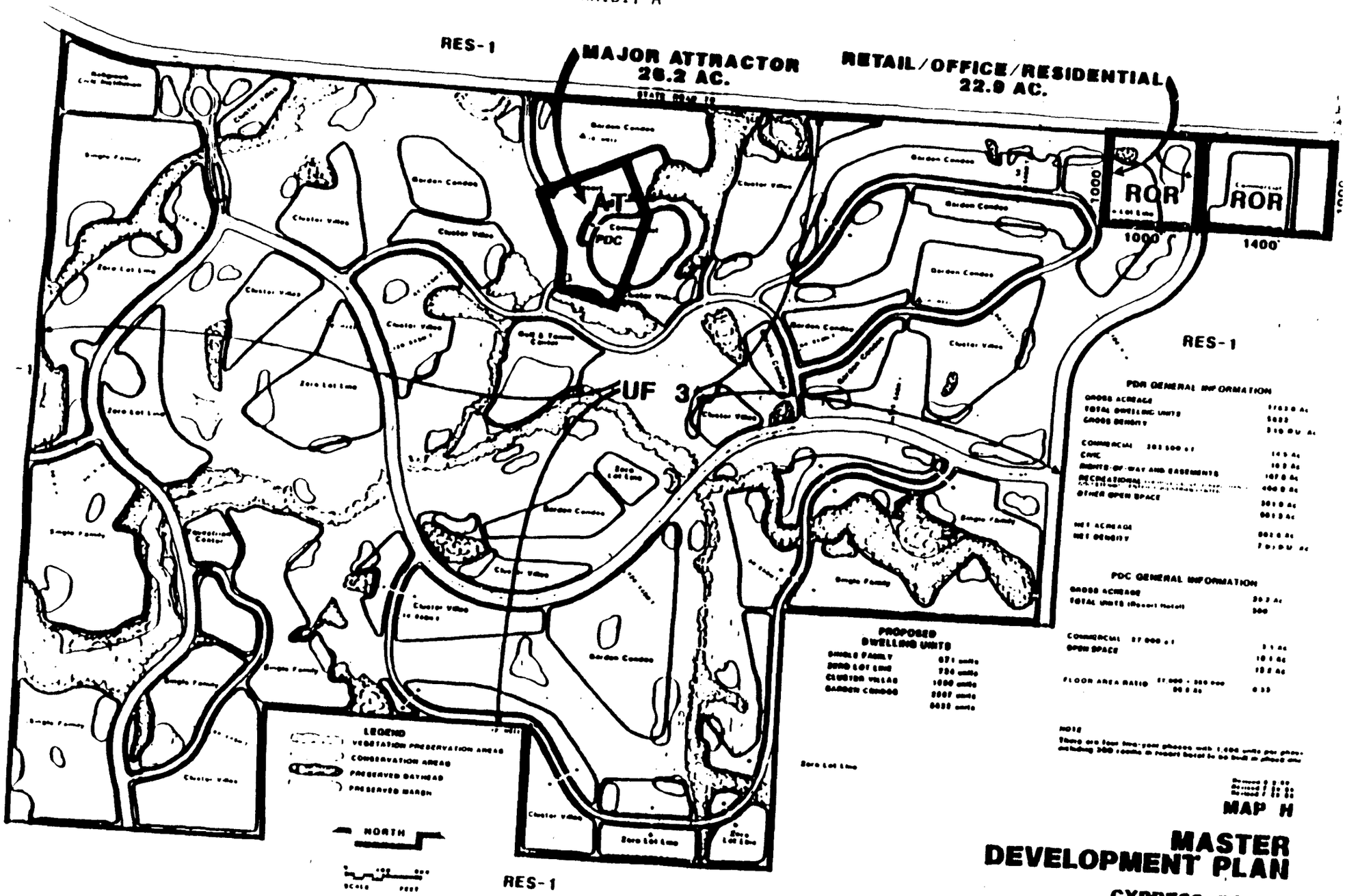
BY: Patricia Dr. Glass
Chairman

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

By: [illegible]
DEPUTY CLERK

SEAL
BOARD OF COUNTY COMMISSIONERS
MANATEE CO. FLA.

EXHIBIT A



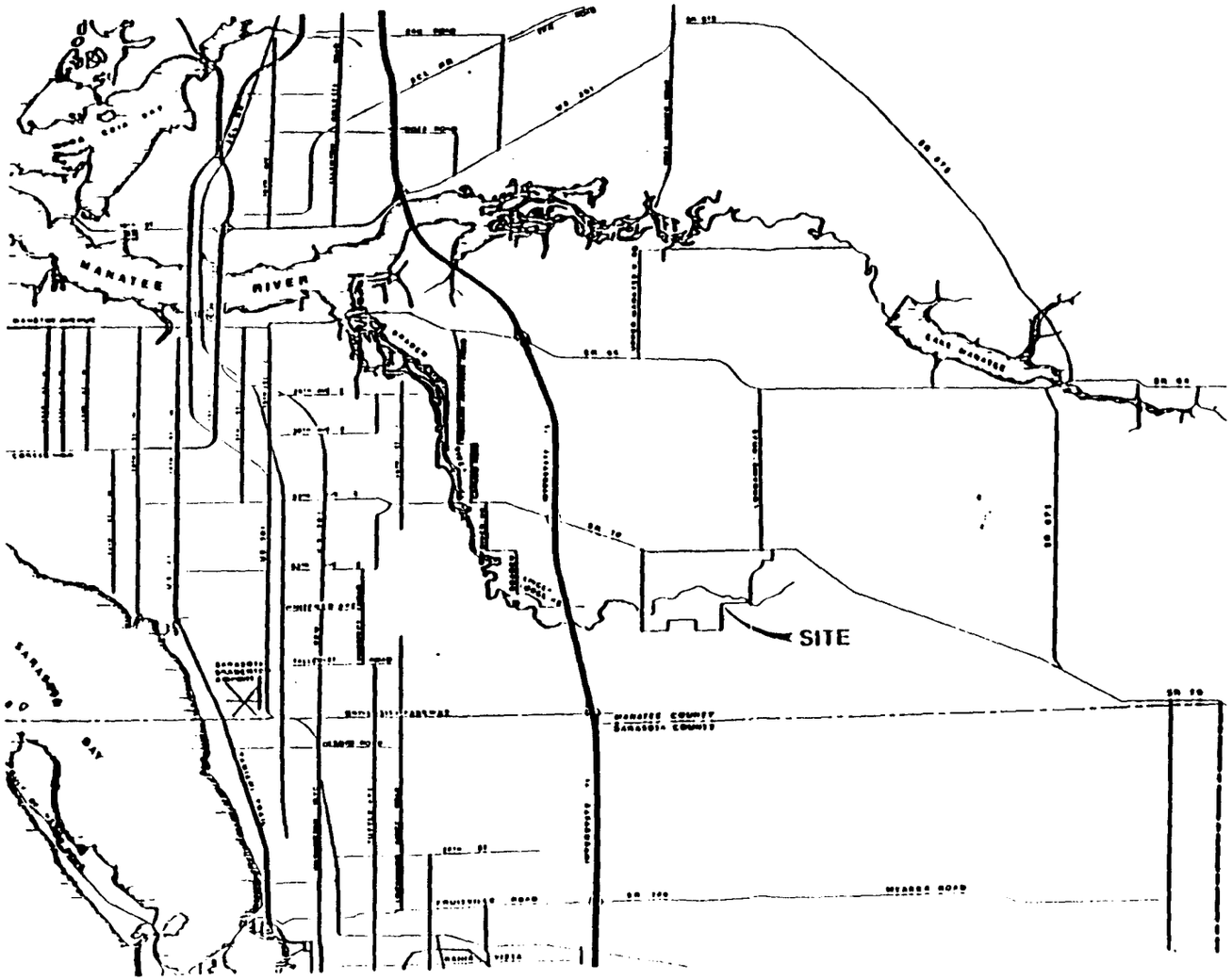
MAP H

MASTER DEVELOPMENT PLAN

CYPRESS BANKS
a planned development

(RH)

EXHIBIT



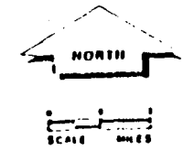


EXHIBIT B

MAP J

TRANSPORTATION NETWORK

CE6T.2.3

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Tra as Percent Projected L Peak Capaci
Intersections		
S.R.70 @ Caruso Rd.: Add eastbound left-turn lane to mitigate. Add eastbound and westbound through to restore. **Planned Programmed Improvement.		
S.R.70 @ 45th St.: Add eastbound and westbound through lane to mitigate and restore. **Planned Programmed Improvement.		
Site Access:		
S.R.70 @ West Entrance: Signalize, add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane.	100	
S.R.70 @ Hotel Entrance: Add northbound left-turn/right-turn lane, unsignalized.	100	
Fwy Ramp Intersections:		
I-75 @ S.R.70, Signalize. Eastbound intersection		8.9
Westbound intersection		8.3

CE6T.2.3

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

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

EXHIBIT C (continued)
(REVISED)
Phase II

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

CB6T.2.3

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

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

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

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

CB6T.2.3

EXHIBIT C (continued)
(REVISED)
Phase III

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

CB6T.2/3

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

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

CB6T.2/3

EXHIBIT C (continued)
(REVISED)
Phase IV

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

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

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

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meet the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relaocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

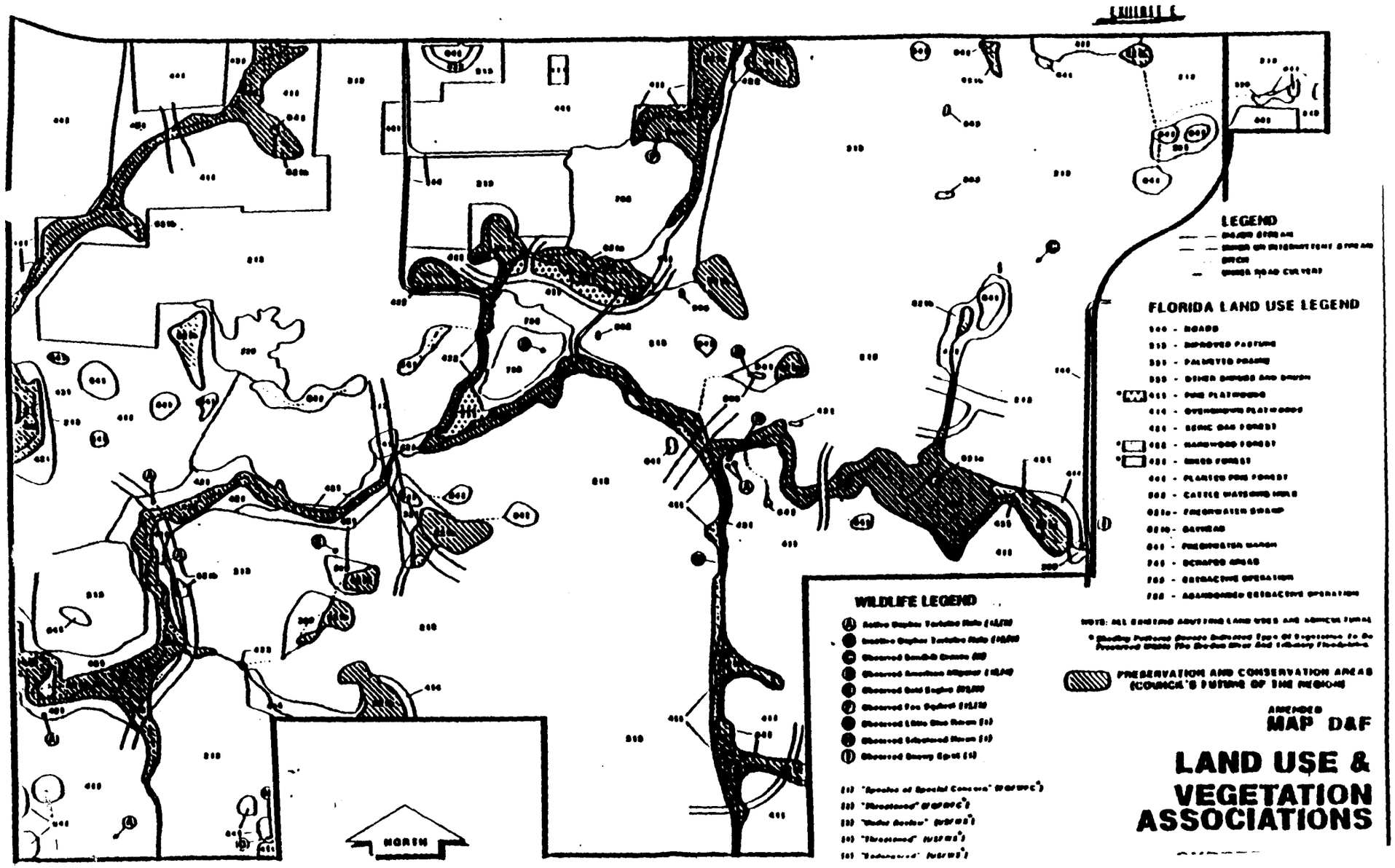
EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

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

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

EXHIBIT E



STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the [illegible] copy of RESOLUTION NO. R89-1612 [illegible] by the Board of County Commissioners of said County on the 16 day of Nov, 1989, this 20 day of Nov, 1989, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: [signature]

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

IN RE:

RESOLUTION NO. R-89-161 OF
MANATEE COUNTY RENDERING A
DEVELOPMENT ORDER FOR A
DEVELOPMENT OF REGIONAL
IMPACT KNOWN AS CYPRESS BANKS.

_____/

STIPULATED SETTLEMENT AGREEMENT

Petitioners, STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ("DCA") and the TAMPA BAY REGIONAL PLANNING COUNCIL ("TBRPC") and Respondent, SMR-1 DEVELOPMENT CORPORATION ("SMR") hereby stipulate and otherwise agree to full, complete, and final settlement and disposition of all claims raised, or arising from claims raised in the above-styled consolidated administrative appeals as follows:

WHEREAS, on August 8, 1989, the Manatee County Board of County Commissioners adopted Resolution No. R89-161 (the "Development Order"), issuing a development order approving the conditions the Cypress Banks Development of Regional Impact ("DRI"); and

WHEREAS, on October 2, 1989 and October 6, 1989, TBRPC and DCA, respectively, filed administrative appeals of Manatee County Development Order pursuant to Section 380.07, Florida Statutes (1987); and

WHEREAS, DCA's and TBRPC's appeals were based on their claims that the Development Order failed to make adequate provision for the public transportation facilities necessary to accommodate the traffic impacts of the Cypress Banks DRI on the regionally significant roadway network which would be substantially impacted by said DRI; and

WHEREAS, SMR disputes TBRPC's and DCA's claims and contends that the Development Order makes adequate provision for the public transportation facilities necessary to accommodate the traffic impacts of the Cypress Banks DRI; and

WHEREAS, the parties have negotiated and reached agreement as to specific revisions of the Development Order which, if adopted would make adequate provision for public transportation facilities necessary to accommodate the traffic impacts of the Cypress Banks

DRI. The specific revisions are set forth in a proposed amendment to the Development Order, a copy of which is attached hereto and incorporated herein as Exhibit "A".

WHEREAS, pursuant to Section 380.032 Florida Statutes, the DCA has the authority to enter into agreements which effectuate the intent and provisions of Section 380 of the Florida Statutes; and

WHEREAS, pursuant to Section 186.505 Florida Statutes, the TBRPC has the authority to enter into agreements which effectuate the intent and provisions of Section 380 of the Florida Statutes.

NOW, THEREFORE, in consideration of the terms and conditions set forth hereafter, and the full, complete, and final settlement of all claims raised, or arising out of claims raised in the above-styled administrative appeals, the parties further stipulate and agree as follows:

1. The parties hereby request the Manatee County Board of County Commissioners to amend the Development Order to reflect the changes to the Development Order, and only those changes, set forth on Exhibit "A" attached hereto.

2. If the Manatee County Board of County Commissioners adopts the changes set forth on Exhibit "A", TBRPC and DCA shall within two (2) working days of receipt of the amendment to the Development Order, file notices of voluntary dismissal dismissing their respective appeals with prejudice.

3. The parties further agree that amendment of the Development Order to implement this Stipulated Settlement Agreement shall not constitute a substantial deviation requiring further development of regional impact review pursuant to Section 380.06(19), Florida Statutes (1987).

4. The parties further agree that this Stipulated Settlement Agreement is a compromise and settlement of disputed claims and is entered into to avoid the expense and uncertainty of litigation.

5. The parties further agree that this Stipulated Settlement Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing and signed by the parties.

6. The signatures hereto represent and warrant that they have read this Stipulated Settlement Agreement and that they are fully authorized in the capacity shown, that they understand the terms thereof, and that they are executing the same voluntarily and upon their best judgment, solely for the consideration herein described.

7. This Stipulated Settlement Agreement may be executed in any number of original counterparts, all of which evidence only one agreement, and only one of which need be produced for any purpose.

IN WITNESS WHEREOF, the parties by and through their respective duly authorized undersigned representatives have set their hands on the date appearing below their respective signatures.

Signed, sealed and delivered in the presence of:

TAMPA BAY REGIONAL PLANNING COUNCIL

By: _____
JULIA GREENE
Executive Director

Dated: October 30, 1989

STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

By: _____
THOMAS PELHAM
Secretary

Dated: 11-13-89

Approved as to Legal Form and Sufficiency:

By: _____

SMR-1 DEVELOPMENT CORPORATION

By: _____
DOUGLAS E. WILSON
President

Dated: November 6, 1989

Paula Rowland

c:\smr\settleme.dca
10/18/89 - 4

REVISED A(1); A(5); C(3); NEW C(4) RENUMBERED C(4) AND C(5); AND REVISED EXHIBIT "C"

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and Level of Service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive.

A.(5) "Development Approval*" shall mean any approval for development granted through the *Preliminary Development Plan, Preliminary Plat, Site Development Plan, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.

C.(3) Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of the following:

a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; OR

b. For Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for Phase I through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements

program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. The Developer may elect, at the time of Phase I preliminary development plan submittal, to mitigate the transportation impacts of Phase I of the project through the payment to Manatee County of its proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology as $913,469.00 or the projected impact fees for the Transportation component for the entire first phase, whichever is greater. If the proportionate share is greater, it shall be adjusted annually based on Florida Construction Index until paid.

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

   Any payments due shall be paid in cash or by certified check under this subparagraph C.(3).b.2. and shall be paid on or before the earlier of the following:

   (i) at the time of the application for the first building permit for any building structure within the Phase; OR

   (ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph C.(3).b.2.

   If payment has not been made previously, on or before the approval by the County of the Final Development Plan for Phase I or any subphase therein, Developer shall post an irrevocable letter

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

c. For all development after Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR

2. For all development after Phase I, the Developer shall comply with C.(3).a. or C.(3).c.1., or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

d. Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer. Prior to any payment made under Subparagraph C.(3).b.2, the Developer shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to C.(3).b.2.i and C.(3).b.2.ii, above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer has posted a Letter of Credit, and no payment has been paid pursuant to Paragraph C.(3)b.2.i or C.(3).b.2.ii, above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3)b.2 above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

e. In the event Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing all development activity, including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements of either subparagraphs C.(3).a. or C.(3).b.1 of stipulation C.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph C.(3).b.2. in the time and manner set forth therein, the option to Developer* under subparagraph C.(3).b.2. shall terminate.

C.(4) Any payments provided by the Developer* to the County under stipulation C.(3) above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from

time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

C.(5)No change in body of stipulation.

C.(6)No change in body to stipulation.

CB6T.2/3

EXHIBIT C (continued)
(REVISED)
Phase III

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

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

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

CB6T.2/3

EXHIBIT C (continued)
(REVISED)
Phase IV

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

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

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

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meet the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relaocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

CB6T.2/3

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traffic as Percent of Projected LOS D Peak Capacity
Intersections		
S.R.70 @ Caruso Rd.: Add eastbound left-turn lane to mitigate. Add eastbound and westbound through to restore. **Planned Programmed Improvement.		
S.R.70 @ 45th St.: Add eastbound and westbound through lane to mitigate and restore. **Planned Programmed Improvement.		
Site Access:		
S.R.70 @ West Entrance: Signalize, add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane.	100	
S.R.70 @ Hotel Entrance: Add northbound left-turn/right-turn lane, unsignalized.	100	
Fwy Ramp Intersections:		
I-75 @ S.R.70, Signalize. Eastbound intersection		8.9
Westbound intersection		8.3

CB6T.2/3

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

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

CB6T.2/3

EXHIBIT C (continued)
(REVISED)
Phase II

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

CB6T.2/3

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

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

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

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

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING AN APPROVED ZONING ORDINANCE (Z-86-30) RELATING TO PROPERTY WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for an amended Zoning Ordinance as it relates to the real property described in Section 3 of this amended ordinance which is requested to settle administrative challenges to the existing development order by DCA and TBRPC.

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

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

D. The proposed amendment to the Zoning Ordinance regarding the property described in Section 3 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 THE MANATEE COUNTY COMPREHENSIVE PLAN.

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

A. DEFINITIONS

Note: An asterisk (*) indicates that the word is defined.

A.(1) "Acceptable Level of Service*" shall be Level of Service D, peak hour on urban roads and level of Service C, peak hour on rural roads or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan or Level of Service D, peak hour on urban roads, and Level of Service C, peak hour on rural roads, whichever is more restrictive. Stipulation #A.(1) of the Rezone Ordinance approval shall be amended to read in entirety as follows:

A.(2)"Conceptual Master Plan*" shall mean a graphic depiction of the development described in the DRI application and shown as "Map H" of the Cypress Banks Master Development Plan. This plan is identical to the "Master Development Plan*" and fulfills the requirements for a Conceptual Development Plan in The Manatee County Land Development Code (LDC).

A.(3)"County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

A.(4)"Developer*" shall mean the applicant, SMR-1 Development Corporation, his heirs and assigns or designated entity.

A.(5)"Development Approval*" shall mean any approval for development granted through the *Preliminary Development Plan, Preliminary Plat, Site Development Plan, and Final Site Plan process and/or construction drawing approval where site plans are not required, for this and other developments.

A.(6)"Horizontal Development*") shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway drainage, landscaping, water, sewer, communication, utilities, etc.

A.(7)"Master Development Plan*" shall be defined as Map H incorporated as "Exhibit F" and made a part hereof. This Plan depicts the development described in the ADA and as revised, includes the following land uses: 203,500 square foot shopping center, with 27,000 square feet of accessory commercial space, 5,622 residential units, 300 hotel rooms, an equestrian center, and three 18-hole golf courses.

A.(8)"Preliminary Development Plan*" (PDP) shall mean a Preliminary Master Development Plan or a Preliminary Development Plan for a Phase or subphase as defined in The Manatee County Comprehensive Zoning and Land Development Code (LDC) for a Phase or Sub-Phase.

A.(9)"Site Development Plan*" shall be defined as any preliminary plat, final plat, preliminary site development plan, or final site development plan to be submitted for consideration of approval pursuant to the LDC.

A.(10)"Traffic Study*" shall mean a report presented by the developer, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in Table 1 and "Exhibit C", to below an Acceptable Level of Service*. Any such Traffic Study* shall consider traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.

A.(11)"Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally depicted on Map J ("Exhibit B") which was based on data submitted with the ADA.

A.(12)"Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and new commercial units or the reconstruction or addition to any structure.

A.(13)"Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Cypress Banks.

B. STIPULATIONS

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

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

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

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

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

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

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

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

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

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

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

2. At such time that the Developer* submits an application for Preliminary Development Plan* (PDP) approval for any portion of the project, the Developer* shall satisfy the Manatee County Transportation Division and the Planning and Zoning Departments that the Traffic Study* for that phase, as defined in "Exhibit D", reflects the conditions at the time of PDP application. In the event that the County staff finds that the previous traffic analysis does not accurately reflect the conditions at the time of such submittal, a revision of that Traffic Study* must be completed. No Phase or Vertical Development* shall be carried out if such development would result in a degradation of the Acceptable Level of Service* on the roadway segments and intersections within the transportation impact areas except as provided for in Paragraph 35. However, nothing set forth in this ordinance shall require the County to issue any Development Approvals* in violation of Chapter 163, Florida Statutes. As stated below, the Developer* may, at his option, update and verify the existing Traffic Study* when it can be shown that the conditions described in the Traffic Study* have not substantially changed.

3. Preliminary Development Plan* Approvals shall be granted on the basis of demonstrated available roadway capacity as described under the Transportation Conditions herein and shall be a criterion for approval of the PDP for subsequent submittal.

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

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

ENVIRONMENTAL CONDITIONS

5. A surface water quality and monitoring program and any amendment thereto shall be approved by the Manatee County Pollution Control Department (MCPCD) and Tampa Bay Regional Planning Council (TBRPC) for review and shall provide one (1) year of pre-construction base-line data acceptable to the Pollution Control Department (MCPCD). Construction monitoring shall be initiated at the beginning of construction and continuing through project build-out, and for two (2) years after build-out. All water quality analytical methods and procedures shall be documented and comply with EPA/DER Quality Control standards and requirements. Monitoring shall be particularly sensitive to the discharges from the golf course and equestrian areas. Should the monitoring indicate that applicable state water quality standards are not being met as a result of the project, all construction within the subbasin where the violation is noted shall cease until the violation is corrected, or if specific construction can be identified as causing the violation, all such activity responsible for exceeding the regulated limits shall cease until the violation is corrected. If the developer can demonstrate that specific construction can be identified as causing the violation, only that activity demonstrated to be exceeding the regulated limits shall cease until the violation is corrected. The monitoring results obtained, as specified in the monitoring plan, shall be submitted to Manatee County, Southwest Florida Water Management District (SWFWMD), the Department of Community Affairs (DCA) and Tampa Bay Regional Planning Council (TBRPC). Any violation of Chapter 17-3, Florida Administrative Code (FAC), attributable to the project, shall require corrective measures as set forth by the Florida Department of Environmental Regulations (FDER).

   The monitoring station location, sampling frequency, and reporting schedule shall be approved by the Manatee County Pollution Control Department (MCPCD) and submitted to Florida Department of Environmental Regulations (FDER). The County's Pollution Control Department shall maintain control of the monitoring program to the extent they shall have the right of approval as to the consultant hired by the Developer*.

6. The portions of the Cypress Banks site which meet the definition of preservation and conservation areas, as defined in the Tampa Bay Regional Planning Council's (TBRPC's) adopted Future of the Region, as shown on Amended Maps D and F and modified on Map K given in the ADA Sufficiency Response, shall be designated on the Master Development Plan* submitted to Manatee County for Planned Development approval.

7. In the event that any species listed in Rule 39-27.003 and Rule 39-27.004, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission. Gopher tortoises have been observed on site. The majority of the gopher tortoise population located on site are in areas that will be preserved; these gopher tortoises and comensals which are outside of the preservation area will be relocated after obtaining the appropriate permits from Florida Game and Fresh Water Fish Commission (FGFWFC).

8. All wetlands within the site are considered "jurisdictional" and thus, shall be altered only with approval of all

applicable jurisdictional entities and in accordance with the Comprehensive Plan.

9. The development shall adhere to the provisions of the Manatee County Comprehensive Zoning and Land Development Code (LDC), particularly Section 205F.1, having to do with tree protection except in those areas shown on "Exhibit E" (modified Map D and F in the ADA) designated as forest cultivation areas at the time of Conceptual Plan Approval.

10. Representative tracts of all major native upland vegetative communities shall be set aside in their natural state to serve as conservation areas. These shall be clustered to the greatest degree possible in order to maximize the intrinsic value of habitat diversity.

11. A single specimen Simpson zephyr-lily (Zephryanthes simpsonii) was observed in an area not designated as a preserve. All other protected plant species were observed within habitats designated for preservation. The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services the relocation of any plant species listed in Section 581.185(a) and (b), Florida Statutes (FS) and found on-site.

12. Where feasible, the Developer* shall utilize multi-story structures to save natural land cover and reduce the amount of impervious surface.

13. Where feasible, the Developer* shall preserve and otherwise utilize native and low-maintenance vegetation to reduce fertilizing and watering requirements.

14. No development activities shall be permitted within State and Federal jurisdictional wetlands except where permitted by the Department of Environmental Regulation (DER), Southwest Florida Water Management District (SWFWMD) and/or the Army Corps of Engineers and in accordance with the Comprehensive Plan.

15. Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands outside the DER jurisdiction. Mitigative measures may be acceptable to replace removed wetlands.

16. There shall be a fifty foot (50') buffer zone established adjacent to post-development jurisdictional wetlands. All building setbacks shall be measured from the buffer zone. All buffers and included wetlands shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on the Preliminary* and Final Development Plans and Subdivision Plats. The location of said easement shall be physically identified on site where property lines cross the easement. Each development subphase shall include deed restrictions that prohibit development activity and removal of native vegetation in the conservation easement. Any replanting within the buffer shall be with flora native to Manatee County.

17. Bridges crossing tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Regulations (DER).

18. All development within Cypress Banks shall meet all of the regulations and precepts of the adopted Comprehensive Plan as amended.

DRAINAGE

19. Stormwater discharge facilities shall be designed and constructed so as to include an additional level of treatment equal to at least fifty (50) percent of the treatment criteria specified in Rule 17-25.035(1)(b) or Rule 17-25.04 or Rule 17-25.042 F.A.C.

20. In conjunction with the water quality monitoring program set forth above, the Developer* shall develop and institute a monitoring program to monitor surface water and groundwater quantity to assure that pre-development levels of water flowing towards the Evers Reservoir are maintained. This monitoring plan shall be developed by the Developer* in conjunction with and subject to the written approval of Manatee County.

21. Existing net water flow (groundwater and surface water) contribution from the site to the Braden River Watershed shall be maintained and their natural seasonal fluctuations preserved during all phases of development. Beginning two years from the date of issuance of this Development Order and continuing annually thereafter until buildout, the Developer* shall provide the County Pollution Control Department with a wet season/dry season water budget which calculates pre-development and post-development flows to the Braden River Watershed. The water budget shall include monthly rainfall records and calculated runoff, evapotranspiration, and groundwater flow and shall be done separately for normal and ten-year drought conditions. Should the County's Pollution Control Department analysis of the data provided indicate a trend that groundwater and surface contributions from the site to the Braden River Watershed are not being maintained, then the County may require the Developer* to prepare a detailed analysis of the drainage system and a revised drainage plan which includes all appropriate remedial measures. The County may also require immediate remedial action to mitigate the identified surface water and groundwater shortfalls from the site and require long-term mitigation in accordance with the revised plan. (Manatee County Planning and Zoning Department and CDM).

22. The Developer* has proposed the use of a double-underdrain filtration system at all downstream outfalls to provide additional nutrient and suspended solids removal not typically provided. The Developer*, in conjunction with the Phase I Preliminary Development Plan submittal, shall be required to develop a maintenance schedule which will assure that the system is functioning as designed. Further, the developer*, his heirs and assigns (or designated entity) shall be required to implement and continue this maintenance program for the duration of the project.

The Developer* shall warranty, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for two (2) years beyond the build-out period of development within each hydrologic unit.

23. Beginning within the 2-year period after build-out and continuing in perpetuity, the Homeowners Association or Special District if established by the County shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval.

The County shall have the authority to assess the Homeowners Association or Special District for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

24. There shall be no net loss of hydrologic storage and conveyance capacity caused by this development within the 100-year floodplain or an increase in flood elevations as defined by the referenced SWFWMD study.

25. Prior to the issuance of any relevant construction permits of each phase or subphase of the Cypress Banks development, the Final Drainage Plan for each applicable phase or subphase of Cypress Banks shall be submitted to DER and TBRPC for review and to SWFWMD and Manatee County's Planning and Zoning and Pollution Control Departments for approval.

26. To protect the water quality, the Developer* shall be required to include the following parameters:

    a. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment in order to meet or exceed all applicable state, regional, and local requirements including 17-25.035(1)(b) FAC, and SWFWMD Rule 40D-4;

    b. No stormwater discharge shall cause a violation of the Class I Water Quality Standards as set forth in Chapter 17-3, FAC;

    c. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems, Maintenance and Design Guidelines (TBRPC, 1978);

    d. The Developer* shall formulate guidelines for the maintenance of the golf courses within the 100-year floodplain adjacent to the Braden River and its tributaries that includes and addresses the limited use of herbicides, pesticides, and fertilizers. These guidelines must be established and approved by Manatee County Pollution Control Department prior to commencement of development and issuance of permits;

    e. All golf courses must be treated as developed areas with their runoff routed through the subbasin retention/detention systems; and

    f. The Developer* will provide for positive outfalls for all off-site flow through the development. These positive outfalls may be in the form of swales and channels that will direct the flow around the site.

27. The Developer* shall establish hydroperiod and normal water levels through field survey and maintain these for existing wetland areas that shall be connected to the stormwater management system. The Developer* has identified several wetland areas that will be improved by returning water levels and hydroperiods to their natural state. The Developer* shall identify the wetlands to be improved with each PDP submittal.

28. All development shall meet or exceed the recommended Best Management Practices developed for the Southeast Study Area. Stormwater management system designs shall meet or exceed the guidelines in Camp Dresser & McKee's Final Report (9/85). Designs shall incorporate Best Management Practices, be based on site-specific data (surface and groundwater quality and quantity) reflecting seasonal variations, and seek to enhance where feasible water quality contributions to the Braden River.

29. Stormwater discharge, either direct or indirect, shall not cause a receiving waterbody (water of the state) to violate limits as defined in Class I - Potable Water Supplies and Surface Waters General Criteria of Chapter 17-3, FAC or any

other applicable state or local regulations that may be adopted at a later date.

However, where background conditions in the waterbody may not meet the above-stated limits due to non-abatable natural causes, site-specific alternative criteria may be established when an affirmative demonstration is made to the Manatee County Department of Pollution Control that an alternative standard is more appropriate and approval of such criteria is given by said Department.

HAZARDOUS WASTE

30. Upon approval by Manatee County the Developer* shall provide to all Cypress Banks businesses information that:

    a. Indicates types of wastes and materials that are considered to be hazardous and shall be stored or disposed of only in the specially-designated containers/areas; and

    b. Advises of applicable statutes and regulations regarding hazardous wastes and materials at the time of purchase or lease including the reporting requirements of Chapter 252, Florida Statutes (FS).

31. The Developer* shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations through restrictive covenants.

ENERGY CONSERVATION

32. The Developer* shall institute the following list of energy conservation measures referenced on pages 201-203 of the ADA, including:

    a. "Watt-wise" Construction with increased insulation and high efficiency mechanical appliances such as typical household appliances and those for heating and cooling systems;

    b. Cross ventilation;

    c. Window orientation for the most efficient heating and cooling systems;

    d. Solar heating and cooling systems; and

    e. Low pressure sodium lamps for exterior lighting.

TRANSPORTATION CONDITIONS

33. The Acceptable Level of Service*, in accordance with the technical guidelines acceptable to the Tampa Bay Regional Planning Council (TBRPC), the Department of Community Affairs and Manatee County shall be maintained on all of the roadway segments or intersections located within the Cypress Banks Transportation Impact Area* as provided for in Paragraphs 35 and 37.

34. Traffic Studies* will be required with each application for Preliminary Development Plan* Approval pursuant to the Manatee County Comprehensive Zoning and Land Development Code (LDC). Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council (TBRPC) or Manatee County) or greater than the service volume of any roadway segment or intersection in the Transportation Impact Area* and

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

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

35. Approval of each Preliminary Development Plan* shall be contingent upon satisfaction of one of the following:a

a. Approval and development of the Preliminary Development Plan* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service* on roadway segments and intersections within the Transportation Impact Area*; **OR**

b. For Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for Phase I through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; **OR**

2. The Developer* may elect, at the time of Phase I preliminary development plan submittal, to mitigate the transportation impacts of Phase I of the project through the payment to Manatee County of its proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology as $913,469.00 or the projected impact fees for the Transportation component for the entire first phase, whichever is greater. If the proportionate share is greater, it shall be adjusted annually based on Florida Construction Index until paid.

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

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

(i) at the time of the application for the first building permit for any structure within the Phase: **OR**

(ii) within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph 35.b.2.

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

c. For all development after Phase I, if approval and development of the Preliminary Development Plan* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service* on roadway segments or intersections within the Transportation Impact Area*, one of the following conditions shall be met:

1. All of the Warranted* improvements to prevent degradation of Acceptable Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the build-out schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County.

Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements with a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; **OR**

2. For all development after Phase I, the Developer shall comply with 35.a or 35.c.1, or the Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

d. Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer*. Prior to any payment made under this Subparagraph 35.b.2, the Developer* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made pursuant to 35.b.2.i and 35.b.2.ii, above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer has posted a Letter of Credit, and no payment has been paid pursuant to Paragraph C.(3).b.2.i or C.(3).b.2.ii above, and if the Developer is legally prohibited from utilizing the mitigation option set forth in Subparagraph C.(3).b.2 above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

e. In the event that Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity including the issuance of building permits and certificates of occupancy, within Phase I of the Cypress Banks development shall cease and no development may proceed under this Development Order unless the requirements of either subparagraphs C.(3).a. or C.(3).b.1 of stipulation 35 are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer* fails to pay his proportionate share as defined in subparagraph C.(3).b.2. in the time and manner set forth therein, the option to Developer* under subparagraph C.(3).b.2. shall terminate.

36. Any payments provided by the Developer* to the County under stipulation 35 above shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to

time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

37. If the Traffic Studies* required in paragraph 34 above show that Acceptable Levels of Service* are not being maintained on the roadway segment or if funding as set forth in 35 above is not provided, then Manatee County government shall withhold PDP approval. PDP approval shall be withheld until the funding commitments set forth in 35 above for the improvements necessary to achieve the Acceptable Levels of Service* have been obtained which will assure the construction of the roadway segments(s) prior to the anticipated build-out of the Phase* for which approval is sought. This provision shall not be construed so as to obligate Manatee County to participate in the construction or funding for construction of said improvements except when said improvements are identified in the County's Transportation Improvement Plan.

38. Pursuant to the Developers* request that Relocated 301 improvements as originally noted in "Exhibit C" be modified to acknowledge the fact that the roadway currently operates at a level above that of the typical four-lane divided highway, the Transportation Division has agreed to remove references to link improvements for Relocated 301. The Manatee County Transportation Division reserves the right to require intersection analysis at the time that future Traffic Studies* are undertaken. (Manatee County Department of Public Works/Transportation Division).

39. The Developer* shall submit a Preliminary Development Plan* or Preliminary Master Development Plan* for the development within twenty-four (24) months of Development Order approval. Preliminary Development Plan* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan* or Preliminary Master Development Plan* at five (5) year increments coinciding with the Phasing time schedule shown in "Exhibit D". The Developer* shall complete or demonstrate substantial progress toward infrastructure and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study* prepared in accordance with the provisions of Paragraph 34 to demonstrate that Acceptable Levels of Service* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer* upon recommendation by the Director of Planning and Zoning after consultation with the County Transportation Authority*.

    If the Traffic Study* indicates that an Acceptable Level of Service* is not being maintained, or would be projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent phases, until an Acceptable Level of Service* is obtained, or other commitments are made as set forth in paragraph 35, above.

40. In the event a Preliminary Development Plan* for Phase II, III or IV is submitted more than one (1) year in advance of the schedule established in "Exhibit D" the Developer* shall define changes in the scheduling of impacts and shall set forth the methods of accommodating such impacts. Nothing in this Development Order shall require the Board of County Commissioners to approve a Preliminary Development Plan* submitted in advance of the schedule set forth in "Exhibit D".

41. A geographic delineation of the Phasing Plan for the entire project shall be submitted for approval at the time of submittal of the first Preliminary Development Plan* for a Phase or Sub-Phase, or at the time of submittal of the Preliminary Master Development Plan*. The phasing plan shall include the number and types of units with square footage, land areas, and densities, and intensities for each residential Sub-Phase.

42. The discovery of any historical or archaeological resources shall be reported to the Florida Division of Archives, History and Records Management and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

GENERAL CONDITIONS

43. The Developer* shall be required to adhere to any and all commitments made in the ADA and subsequent sufficiency responses listed in "Composite Exhibit F" attached hereto and by reference incorporated herein, unless that commitment is superseded by a Development Order Condition.

44. The Developer* shall adhere to the following soil; wind, and water erosion abatement methods given on page 22 of the ADA, including:

    a. Preserve existing trees as buffers between adjacent developed areas;

    b. Control development progress so that a minimal amount of acreage (i.e. 40-80 acres) is cleared at any one time;

    c. Control development progress so that the potential for two adjacent parcels to be cleared at the same time is minimal;

    d. Preserve natural land cover by selective clearing of site (e.g. limit clearing of lake excavation areas and road right-of-way in a typical subdivision);

    e. Sod or seed and fertilize cleared areas and lake banks immediately upon completion of grading activities;

    f. Utilize water spray trucks to suppress and control dust generation in heavy construction areas;

    g. Design swales, ditches and culverts for peak velocities in the three (3) to six (6) feet per second maximum range; and

    h. Preserve the existing natural vegetation along the Braden River, Wolf Slough and other unnamed tributaries to minimize the potential for erosion during construction.

45. The Developer* shall submit a plan to Manatee County and the Tampa Bay Regional Planning Council (TBRPC) for using non-potable water for landscape and open space irrigation with each Preliminary Development Plan*.

46. The Developer* indicates that wastewater treatment and disposal shall be by the County utilizing the Southeast Regional Wastewater Treatment plant. In the event that capacity is not available, the Developer* will be required to provide for the treatment plant expansion and the ultimate disposal of all the wastewater generated by the project or construction of the interim plant at an off-site location out of either the WO-E or WO-M. Any and all wastewater facilities must be designed in accordance with all applicable regulations including the obtaining of all

appropriate permits for construction and operation. No septic system shall be permitted within the development.

47. No sewer lift stations shall be built where emergency discharges have the potential for direct discharge into the Braden River, its tributaries, or Evers Reservoir.

48. Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of backup, to provide assurance against equipment failure and discharge to the environment. These shall include:

    a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.

    b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability;

    c. Wet wells to contain sewage line surcharges/overflows.

    d. Emergency bypass pumpouts for tank trucks; and

    e. 100 percent redundancy in lift station pumping equipment.

49. The Developer*, shall maintain all water lines and fire hydrants not dedicated to the County.

50. The Developer*, shall make its fair share contribution for school sites in the southeast county area. To meet this contribution, prior to Final Development Plan approval for residential units of Phase I and in no event no later than approval of the first Preliminary Development Plan* for Phase II the developer* shall negotiate the dedication of forty (40) acres for a school site that is acceptable to the School Board, with an option for the School Board to purchase as adjoining ten (10) acres at fair market value or offer an acceptable school impact credit for future development. The site can be located either on or off the Cypress Banks property. Such a dedication will fulfill all present and any future countywide educational site dedication requirements adopted by the County or the School Board regarding the 1,790 acres included in Z-86-30(C)(R).

51. The Developer*, shall be required to construct all habitable structures with finish floor elevations at or above the 100-year flood elevations as established by the Federal Emergency Management Agency "FEMA" or other representative study as agreed on by the County. Additionally, the development shall cause no net loss in storage or flow capacity within the 100-year floodplain without providing compensatory storage.

52. The Developer*, shall be required to operate and maintain all on-site wells in accordance with acceptable practices and applicable SWFWMD regulations.

53. The Developer*, shall be required to maintain all common open space areas within the project, including the site reservoir.

54. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, constructing and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the

Developer*, shall be reached prior to the issuance of permits for Vertical Development* for Phase I.

55. The availability of adequate service/capability to provide water, wastewater treatment, solid waste disposal, electricity, water, police, fire, and EMS service shall be demonstrated with each Preliminary Development Plan* submittal.

56. SMR Development Corporation, its successors, assigns and/or transferees, shall submit annual DRI reports in accordance with Section 380.06(18), FS, to Manatee County, and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Order and each year thereafter until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of Manatee County Planning and Zoning Department who shall review the report for compliance with the terms and conditions of this Order and may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of conditions as to any terms or conditions of this Order. The annual report shall contain the following:

(a) Any changes in the plan of development, or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;

(e) An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant.

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

57. The stipulations set forth in the Development Order as approved by Resolution R-89-161 are included herein by reference.

58. Bridges crossing the Braden River or its tributaries shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the Florida Department of Environmental Regulation.

59. The runoff from the surface of any bridge or structure crossing the Braden River or its tributaries shall be captured and treated to meet the water quality standards as specified in The Manatee County Comprehensive Plan, Ordinance 89-01.

60. To prove "no negative effect" on water quality in the Future Land Use Categories in the Manatee County Comprehensive Plan, Ordinance 89-01, found within the projects boundaries, the Developer* must show that stormwater management structures/practices conform to Outstanding Florida Water (OFW) regulations (provide 150% of the treatment required by Chapter 17-25, Florida Administrative Code). Designs for these stormwater management structures must be incorporated in Southwest Florida Management District (SWFWMD) surface water management permits, and proof of permit must be provided prior to final plan approval..

61. The Shopping Center and the Southeast quadrant of the intersection of Lorraine Road and S.R. 70 shall be designed to be oriented for the residents of this Development. This shall be accomplished through building orientation, signage control, access and buffering and shall be reviewed at time of Preliminary Development Plan*.

62. Gopher tortoises encountered in areas slated for construction will be relocated, after obtaining the appropriate permits from Florida Game and Freshwater Fish Commission, to the conservation area specifically preserved for them (ADA, pg. 100). Should the developer* not be able to obtain said permits the active gopher tortoise burrows shall be preserved within a fifty foot (50') buffer.

63. In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to the commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the Department of Community Affairs. If such analysis indicates that the development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the development of if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to this development order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council's Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

At a minimum, the HAIP shall contain:

1. Specific provisions for onsite housing delivery, including housing delivery alternatives;

2. Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;

3. Specific mechanisms for HAIP implementation;

4. Provisions to ensure continued adequacy of units provided;

5. Monitoring provisions;

6. Location and placement of adequate housing units; and

7. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.

The HAIP may also contain:

8. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities; or

9. Proposed developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full few waivers.

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

Section 4. Legal Description:

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

ALSO:

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

ALSO:

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

ALSO:

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

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

ALSO:

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

ALSO:

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

Less the following described land:

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

P.D.G.
DESCRIPTION: CYPRESS BANKS PROPOSED:

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

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

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

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

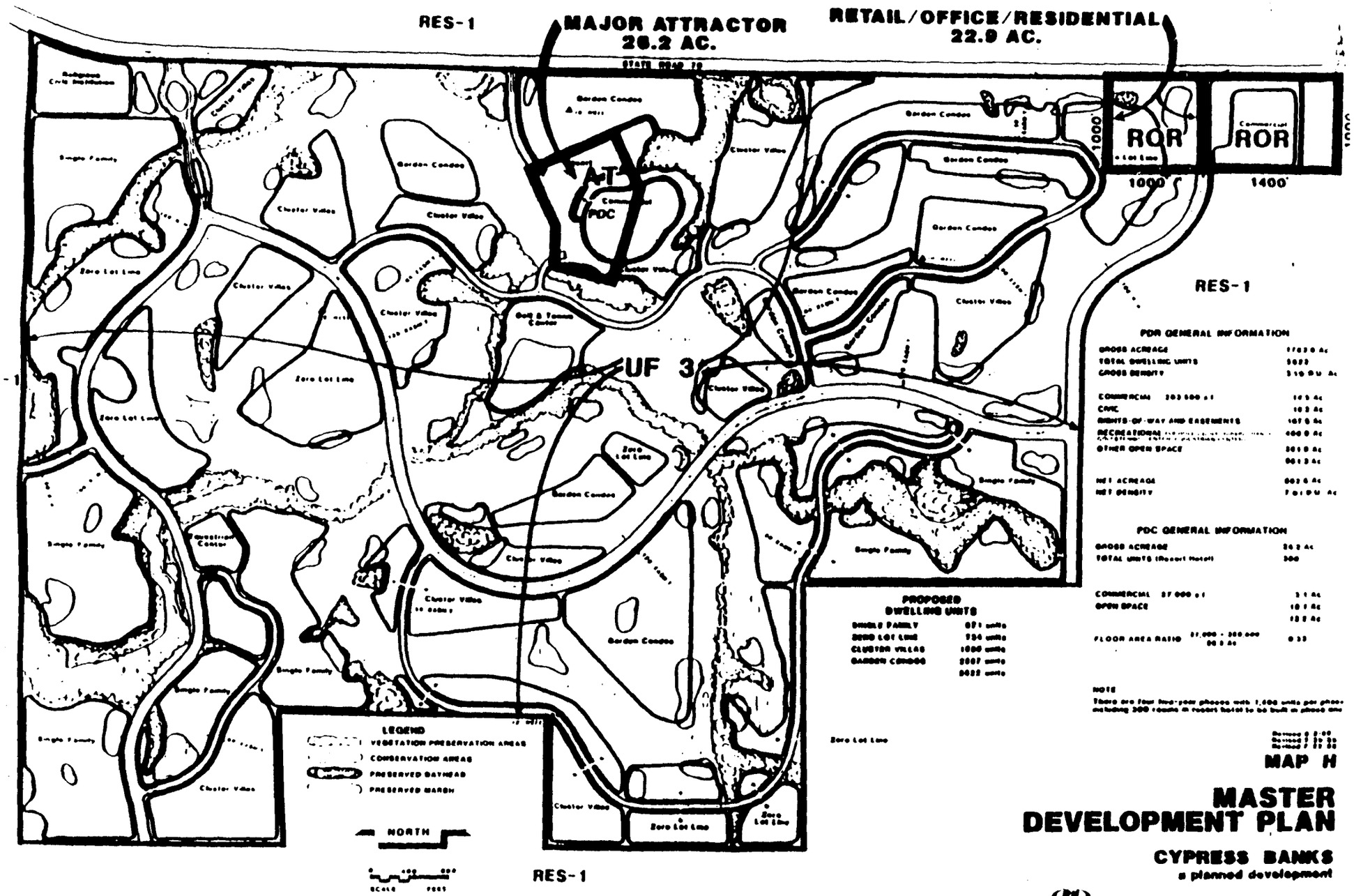
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 16th day of November 1989.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass
Chairman

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

EXHIBIT A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RETAIL/OFFICE/RESIDENTIAL
22.9 AC.
ROR
ROR
1000'
1000'
1400'
AT
PDC
UF 3
RES-1
PDR GENERAL INFORMATION
PDC GENERAL INFORMATION
PROPOSED
DWELLING UNITS
LEGEND
VEGETATION PRESERVATION AREAS
CONSERVATION AREAS
PRESERVED BAYHEAD
PRESERVED MARSH
NORTH
RES-1
MAP H
MASTER
DEVELOPMENT PLAN
CYPRESS BANKS
a planned development
Manatee County, Florida

EXHIBIT

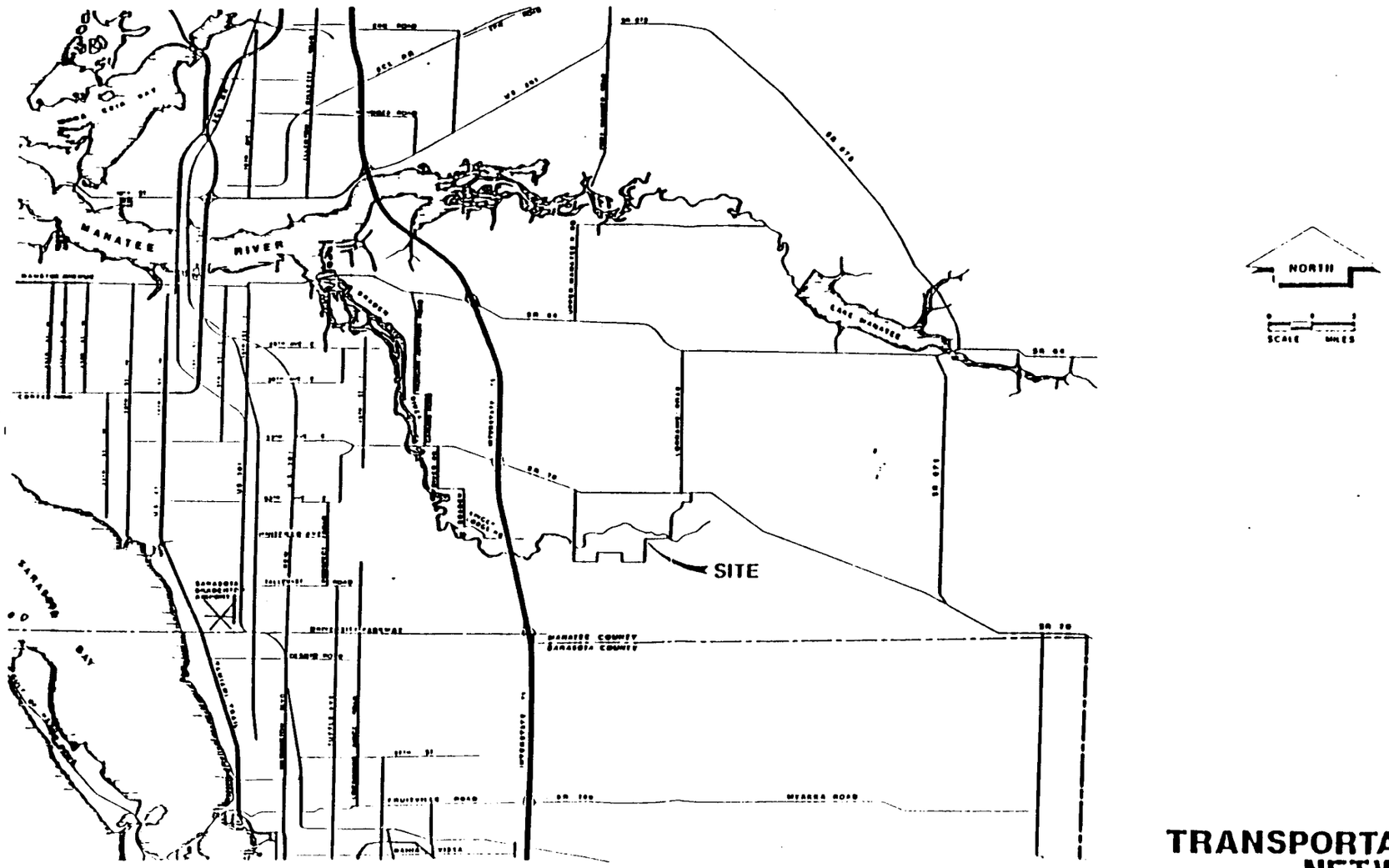

EXHIBIT B

MAP J

TRANSPORTATION NETWORK

CB6T.2.3

EXHIBIT C
(REVISED)
Phase I

Improvement	Project Traffic as Percent of Existing LOS C Daily Capacity	Project Traff as Percent o Projected LOS Peak Capacity
Intersections		
S.R.70 @ Caruso Rd.: Add eastbound left-turn lane to mitigate. Add eastbound and westbound through to restore. **Planned Programmed Improvement.		
S.R.70 @ 45th St.: Add eastbound and westbound through lane to mitigate and restore. **Planned Programmed Improvement.		
Site Access:		
S.R.70 @ West Entrance: Signalize, add eastbound right-turn lane, westbound left-turn lane, northbound left-turn lane, and northbound right-turn lane.	100	
S.R.70 @ Hotel Entrance: Add northbound left-turn/right-turn lane, unsignalized.	100	
Fwy Ramp Intersections:		
I-75 @ S.R.70, Signalize. Eastbound intersection		8.9
Westbound intersection		8.3

CB6T.2.3

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

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

EXHIBIT C (continued)
(REVISED)
Phase II

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

CB6T.2.3

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

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

CB6T.2/3

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

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

CB6T.2.3

EXHIBIT C (continued)
(REVISED)
Phase III

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

CB6T.2/3

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

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

EXHIBIT C (continued)
(REVISED)
Phase IV

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

CB6T.2/3

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

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

NOTE:

1. Percentages shown are based on the existing capacity or projected capacity as shown in the column headings. The percentages shown in parentheses represent those for the improvement if the improvement for the previous phase is completed.

2. The Manatee County Public Works Department, Transportation Division has agreed that Relocated 301 should not be considered a four lane divided highway as was done in the Kimley-Horn Transportation review. However, the road fully meet the definition of a limited access highway. Therefore, for the purposes of this document reference to link improvements for relaocated 301 have been removed. The Transportation Division reserves the right to require in-depth review of the intersections in the analysis required for future phases as stated in the main body of this Development Order.

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

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

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

EXHIBIT E

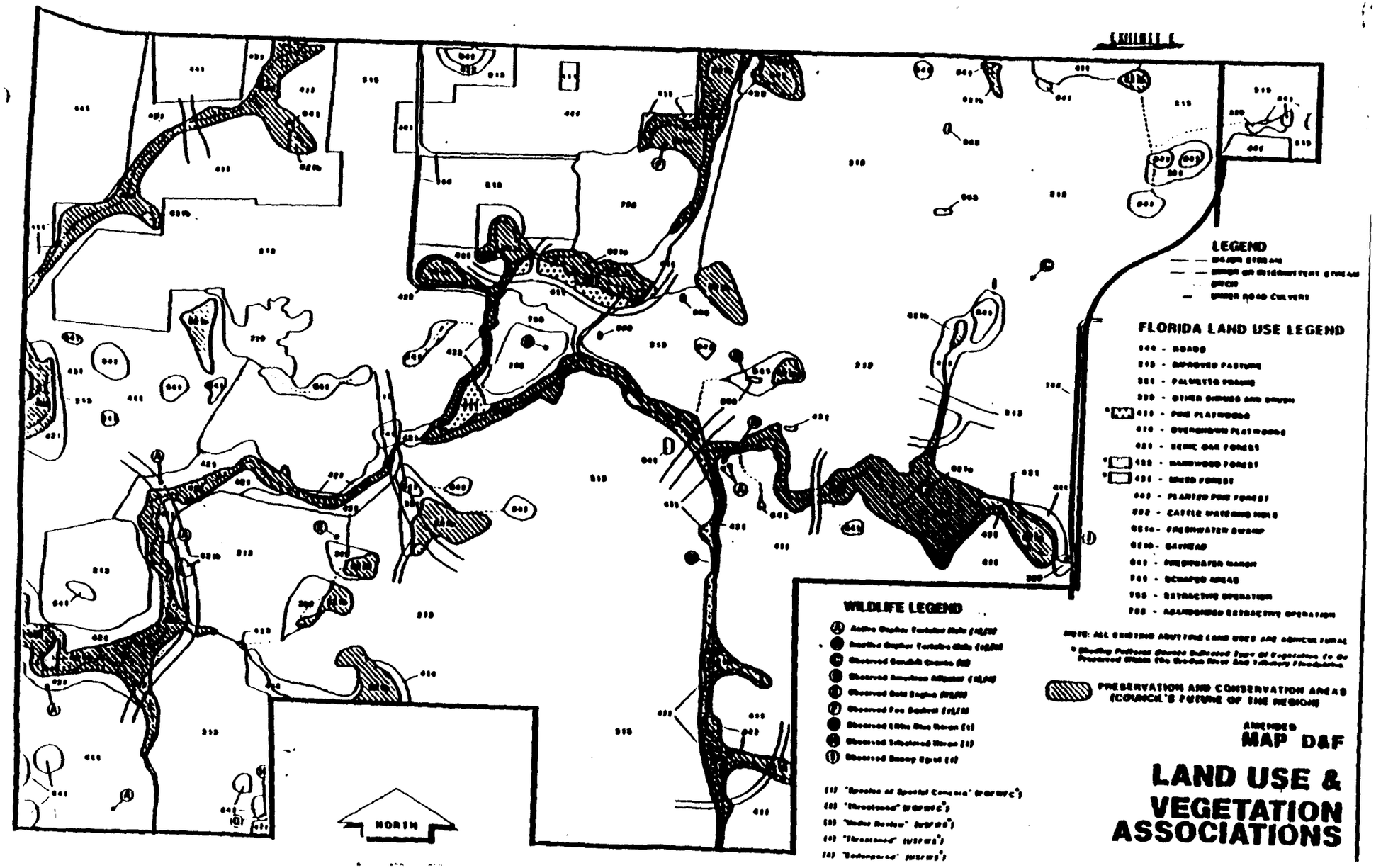
EXHIBIT E
LEGEND
FLORIDA LAND USE LEGEND
WILDLIFE LEGEND
PRESERVATION AND CONSERVATION AREAS (COUNCIL'S FUTURE OF THE REGION)
NORTH
AMENDED
MAP D&F
LAND USE &
VEGETATION
ASSOCIATIONS

CB6T.1/2.1

EXHIBIT D

CYPRESS BANKS DEVELOPMENT
PROPOSED PHASING SCHEDULE

PHASE	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990-1995)	Resort Center*	Tennis Complex, First and Second Golf Course (18 Holes Each)	1465**
II(1995-2000)	203,500 s.f. Community Shopping	Third Golf Course (18 Holes) Equestrian Center Religious Center	1405
III (2000-2005)			1446
IV (2005-2009)			1446
		Total	5762

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

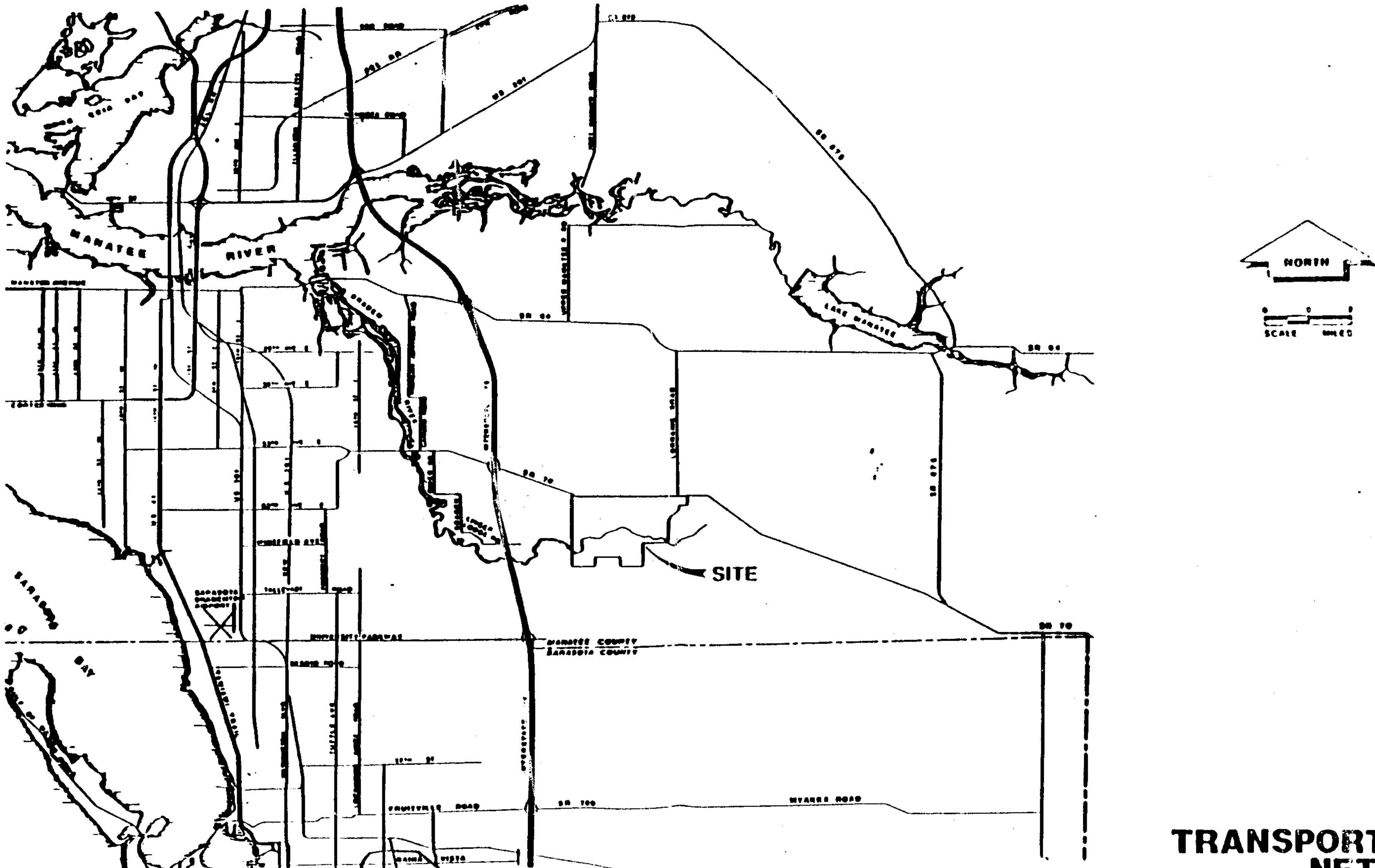

EXHIBIT B

MAP J

TRANSPORTATION NETWORK

CYPRESS BANKS
a ned development

(RJ)