#218

MANATEE COUNTY
FLORIDA

February 16, 2012

Dianne Chadwick, AICP
Stantec
2205 North 20th Street
Tampa, Florida 33605

Re: **Gateway North DRI # 21**
Request for Extension Pursuant to House Bill 7207 (HB 7207) & FS 252.363 - Tolling & Extension of Permits
Project Number: PDMU-91-01(G) (R5)/Ord 10-44(EXT) DTS #: 20110373

Dear Ms. Chadwick:

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.

Also, 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. 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). 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.

You have applied for extensions of your development approvals under HB 7207 and FS 252.363 relative to the Gateway North 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 and 4 years under HB 7207. As you have made an application and the development otherwise qualifies, your deadlines for the Gateway North DRI Ordinance 10-44 and its associated Zoning Ordinance/General Development Plan PDMU-961-01(G)(R5) are eligible for the extension and have been extended as follows, with the dates set forth below reflecting HB 7207 and F.S. 252.363 extensions:

Gateway North DRI # 21 – Ordinance 10-44

TABLE 2
LAND USE AND PHASING SCHEDULE

Map H Land Use Designation	Phase 1 2005 – ~~2022~~ 2027	Phase 2 2012 – ~~2025~~ 2030	Phase 3 2018 – ~~2027~~ 2032	Totals
Residential Dwelling Units				
Single-Family Detached (units)	1,685	0	0	1,685
Single Family Attached (Townhouse/Attached Villa) (units)	265	0	128	393
Multi-Family (units)	578	144	0	722
Total Residential	2,528	144	128	2,800
Mixed Use				
Commercial (sq. ft.)	386,000	0	59,200	445,200
Office (sq. ft.)	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	100,000	150,000	147,500	397,500
Total Mixed Use	640,000	556,500	606,700	1,803,200

- The phasing build-out dates shall be ~~February 20th~~ January 12th of the years indicated.
- Single Family Attached also includes single family semi-detached units.
- Residential units are permitted within Mixed Use Parcels as identified on the GDP and Map H.
- Assisted Living Facilities and cell towers shall be permitted within Mixed Use and Residential Parcels as permitted by the Manatee County Land Development Code and further restricted in the accompanying Zoning Ordinance.
- Hotels shall be permitted within Mixed Use parcels.
- Phase 1 of Table 2 is specifically approved. Phases 2 and 3 of Table 2 are conceptually approved.
- Phase 1 Office/Warehouse total of 100,000 sq. ft. consists of 30,000 sq. ft. of office and 70,000 sq. ft. of warehouse.

P.(4) All Development Approvals* shall be obtained within ~~twenty-three (23)~~ twenty-seven (27) years from the date of approval of this Development Order. This Development Order shall expire ~~twenty-eight (28)~~ thirty-two (32) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

Gateway North DRI # 21 –PDMU-91-01(G)(R5)

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Total Mixed Use	640,000	556,500	606,700	1,803,200

- The phasing build-out dates shall be ~~February 20th~~ January 12th of the years indicated.
- Single Family Attached also includes single-family semi-detached units.
- Residential units are permitted within Mixed Use Parcels as identified on the GDP.
- Assisted Living Facilities and cell towers shall be permitted within Mixed Use and Residential Parcels.
- Cell towers shall be permitted in accordance with the regulations set forth in the Manatee County Land Development Code Section 704.59 (Codified by Ordinance 10-26) and as further restricted by Stipulation Q.(23) below.
- Hotels shall be permitted within Mixed Use parcels.
- Phase 1 Office/Warehouse total of 100,000 sq. ft. consists of 30,000 sq. ft. of office and 70,000 sq. ft. of warehouse.

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
Planning Manager

/sa

cc: Patricia Petruff, Dye, Deitrich, Petrff & St. Paul, P.L.
John Meyer, Tampa Bay Regional Planning Agency

#218

MANATEE COUNTY
FLORIDA

Certified Mail # 7000 0520 0015 6095 8549

December 14, 2010

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

Re: Development Order for Gateway North DRI #21 – (aka Artisan Lakes)

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 10-50, the DRI Development Order for Development Order for Gateway North DRI #21 – (aka Artisan Lakes), as adopted in open session by the Manatee County Board of County Commissioners on December 2, 2010, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy
Planning Coordinator

/br
Enclosure

Planning Department
Mailing Address: P. O. Box 1000 * Street Address: 1112 Manatee Avenue West, 4th Floor, Bradenton, FL 34206-1000
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org

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*

ORDINANCE 10-44

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH (AKA: ARTISAN LAKES)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 92-30, AS AMENDED BY ORDINANCES 93-49, 97-62, 05-17, AND 08-58) ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; APPROVING A NOTICE OF PROPOSED CHANGE TO INCREASE THE OVERALL PROJECT BOUNDARY BY 1.0 ACRE; ELIMINATE THE SUBPHASING OF PHASE 1; EXTEND THE PHASE 1 BUILD-OUT DATE BY FIVE YEARS; EXTEND THE PHASE 2 START DATE BY FIVE YEARS AND EXTEND THE BUILD-OUT DATE BY SIX YEARS; EXTEND THE PHASE 3 START DATE BY FIVE YEARS AND EXTEND THE BUILD-OUT DATE BY FIVE YEARS; MOVE 225 SINGLE FAMILY UNITS FROM PHASE 3 TO PHASE 1; RE-DESIGNATE 38 TOWNHOUSE/ATTACHED VILLA UNITS TO SINGLE-FAMILY UNITS IN PHASE 1; MOVE 65 TOWNHOUSE/ATTACHED VILLA UNITS FROM PHASE 1 TO PHASE 3; ; RELOCATE THE COMMUNITY SERVICE PARCEL; ADD A MIXED USE PARCEL LOCATED NORTH OF MOCCASIN WALLOW ROAD; DELETE ONE ACCESS POINT TO 40TH AVENUE EAST; ADD ONE ACCESS POINT TO GILLET DRIVE; BASED ON JURISDICTIONAL DETERMINATION AND ENVIRONMENTAL RESOURCE PERMITTING DECREASE WETLAND ACREAGE BY 28.2 ACRES; INCREASE RESIDENTIAL ACREAGE BY 70.7 ACRES; DECREASE COMMUNITY SERVICE ACREAGE BY 0.7 ACRES; DECREASE RECREATIONAL ACREAGE BY 6.6 ACRES; INCREASE OPEN SPACE ACREAGE BY 12.2 ACRES; DECREASE THE LAKE/DETENTION AREA BY 45.8 ACRES; DECREASE THE ROW/TRANSMISSION LINE LAND USE CATEGORY BY 0.6 ACRES; ADD HOTEL AS A LAND USE ALLOWED THROUGH THE LAND USE EQUIVALENCY MATRIX; ADD TELECOMMUNICATION TOWER AS A LAND USE TO THE PROJECT; AMEND THE MONITORING FREQUENCY TO BIENNIAL; DELETE OR MODIFY CONDITIONS TO REFLECT NEW STANDARD LANGUAGE; UPDATE THE AUTHORIZED AGENT AND THE MASTER DEVELOPER; MAKE THE NECESSARY AMENDMENTS TO MAP H AND THE DEVELOPMENT ORDER TO REFLECT THESE CHANGES AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the land development project known as Gateway North, a legal description of which is provided below ("Project"), lies within the unincorporated areas of Manatee County; and

WHEREAS, on April 9, 1992, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 92-30, a development order approving the Gateway North DRI; and

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

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

WHEREAS, on August 26, 1997, the Board of County Commissioners adopted an amended Development Order (Ordinance 97-62) to extend the buildout and commencement dates of the Development Order; and

WHEREAS, on August 23, 2005, the Board of County Commissioners adopted an amended and restated Development Order (Ordinance 05-17) to extend the buildout and commencement dates of the Development Order and adjust project acreages and land use allocations with the project; and

WHEREAS, on August 7, 2008, the Board of County Commissioners adopted an amended and restated Development Order (Ordinance 08-58) to modify parcel acreages, residential unit counts, and internal road layout to accommodate an alternative schools site on Parcel M; and

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

WHEREAS, the Developer filed a NOPC on March 22, 2010 for changes to the Development Order for Gateway North; and

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

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

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

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

WHEREAS, the County* on December 2, 2010 held a duly noticed public hearing on the NOPC and the language proposed by the Developer* to amend and restate Ordinance 08-58, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from

interested citizens, County agencies, the applicant, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 2nd DAY OF DECEMBER, 2010 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #21, ORDINANCE 08-58

Ordinance 08-58 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Gateway North Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Nos. 92-30, 93-49, 97-62, 05-17, and 08-58) 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 2. FINDINGS OF FACT

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

A. All recitals preceding Section 1 of this Ordinance are adopted as findings of fact.

B. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 8 of this Ordinance as required by Section 380.06, Florida Statutes. The report was rendered on November 10, 2010, following public hearing.

C. The Board of County Commissioners held a public hearing on December 2, 2010 regarding the amendment to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code) and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.

D. The proposed changes to the DRI regarding the property described in Section 8 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments specified in Section 7 of this Development Order.

E. The Developer* of the Project* submitted to Manatee County a NOPC, dated March 22, 2010, which is incorporated herein by reference.

F. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (Exhibit 8).

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

H. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

I. The authorized agents and their address for the Project* is Steve Kempton of Taylor Woodrow Communities at Artisan Lakes, LLC, 501 North Cattlemen Road, Suite 100, Sarasota, Florida 34232.

J. The owner of the property is Taylor Woodrow Communities at Artisan Lakes, LLC and PRI, a Utah corporation.

K. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 3. CONCLUSIONS OF LAW:

Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The 2020 Manatee County Comprehensive Plan, as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on November 8, 2010 regarding this NOPC.

4. 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.

5. The review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately

addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

6. Pursuant to Section 380.06(19)3, Florida Statutes, the developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on March 22, 2010 and approved pursuant to Ordinance 10-44, are not a Substantial Deviation.

SECTION 4. DEVELOPMENT COMPONENTS:

A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service for all services except potable water, shall be issued for the land uses listed in Phase 1 as defined in Ordinance PDMU-91-01(G)(R5), Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation, air quality impacts, and affordable housing in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phase 2 and Phase 3 for land uses and acreage, but shall address only roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. Potable water, sanitary sewer, and school concurrency will be reviewed separately at the time of each Final Site Plan or Construction Plan approval.

TABLE 1
LAND AREA AND USES

Column A Use	Column B Acres	Column C Square Feet	Column D Units
Mixed Use	130.2	1,803,200	
Office		*960,500*	
Office/Warehouse		*397,500*	
Commercial		*445,200*	
Residential	532.5		2,800
Single-Family Detached			*1,685*

Column A Use	Column B Acres	Column C Square Feet	Column D Units
Single-Family Attached (Townhouse/Attached Villa)			*393*
Multi-Family			*722*
Lake/Detention	83.5		
School	20.0		
Park	24.3		
Recreation Center	15.5		
Wetlands	133.9		
Open Space	69.2		
R.O.W./ Transmission Lines	53.2		
Community Service	1.2		
Totals	1,039.2	1,803,200	2,800

- Residential units are permitted within Mixed Use Parcels as identified on the GDP and Map H.
- Residential acreages may be revised to include 20 additional acres if the school site is not requested by the School Board in accordance with Condition L.(1).
- Single Family Attached also includes single-family semi-detached units.
- At the discretion of the developer, the school acreage may be revised to include 13.1 additional acres for an additional school site.
- The park was dedicated to Manatee County in 1999 and is no longer included the project acreage.
- Assisted living facilities shall be permitted within Mixed Use and Residential parcels.
- Hotels shall be permitted within Mixed Use parcels.
- Cell Towers shall be permitted within all parcels except Lake/Detention, Wetlands, and ROW / Transmission Lines, as permitted by the Manatee County Land Development Code and further restricted in the accompanying Zoning Ordinance.
- Phase 1 of Table 2 is specifically approved. Phases 2 and 3 of Table 2 are conceptually approved.
- Phase 1 Office/Warehouse total of 100,000 sq. ft. consists of 30,000 sq. ft. of office and 70,000 sq. ft. of warehouse.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

Map H Land Use Designation	Phase 1 2005 - 2022	Phase 2 2012 – 2025	Phase 3 2018 – 2027	Totals
Residential Dwelling Units				
Single-Family Detached (units)	1,685	0	0	1,685

Map H Land Use Designation	Phase 1 2005 - 2022	Phase 2 2012 – 2025	Phase 3 2018 – 2027	Totals
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- The phasing build-out dates shall be February 20th of the years indicated.
- Single Family Attached also includes single family semi-detached units.
- Residential units are permitted within Mixed Use Parcels as identified on the GDP and Map H.
- Assisted Living Facilities and cell towers shall be permitted within Mixed Use and Residential Parcels as permitted by the Manatee County Land Development Code and further restricted in the accompanying Zoning Ordinance.
- Hotels shall be permitted within Mixed Use parcels.
- Phase 1 of Table 2 is specifically approved. Phases 2 and 3 of Table 2 are conceptually approved.
- Phase 1 Office/Warehouse total of 100,000 sq. ft. consists of 30,000 sq. ft. of office and 70,000 sq. ft. of warehouse.

1. The Land Use Equivalency Matrix, dated November 2010 (attached as Exhibit 6), allows the developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented in the matrix are based on p.m. peak hour trip generation factors.

2. Exchanges of land uses for the Project* may not exceed the minimums and maximums denoted in Exhibit 6 (Gateway North DRI Land Use Equivalency Matrix, dated November 2010).

3. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: School, recreation center, wetlands, open space, and R.O.W. transmission lines.

4. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 4A.

C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, parks and recreation, and schools, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan and approved by the Board of County Commissioners at an advertised public hearing.

Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to consideration of approval by Manatee County.

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

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed, establishing to the satisfaction of the County, that some modification in the ITE rates is appropriate based upon sound traffic engineering principles), the relative proportions of trips produced by attractors, and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County.

Attached hereto as Exhibit 6 (dated November 2010) is a table of conversion factors for equating only traffic impacts of land use exchanges. The incorporation of this land use exchange mechanism shall not permit the Developer* to develop any land use which will generate peak hour trips in excess of the total number of peak hour trips for which it has obtained specific Development Order approval.

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

The Land Use Equivalency Matrix (LUEM) is based on the trip generation rates of various possible uses for the property including Senior Adult Housing. In the event the applicant receives approval from the County to convert from another land use to Senior Adult Housing (either detached or attached units), the applicant shall be responsible for submitting the required documentation to the State of Florida to qualify for the applicable exemption from the Florida Fair Housing Act and shall be the responsible entity for maintaining and operating the Senior Housing Units in compliance with the exemption, including without limitation recording documents in the Public Records to provide notice to future purchasers . The LUEM shall not be interpreted to allow the conversion from Senior Adult Housing Units back to any other land use listed in the LUEM.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

D. Hotel is an approved use and may be located in a mixed use or commercial parcel.

E. The telecommunication tower is an approved use and may be located in accordance with regulations set forth in Manatee County Land Development Code Section 704.59.

F. An Assisted Living Facility is an approved use and may be located in accordance with the regulations set forth in the Manatee County Land Development Code Section 704.62.

SECTION 5. DEFINITIONS:

The definitions contained in Chapter 380, Florida Statutes, the Manatee County Comprehensive Plan and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

A. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Exhibits 1 and 2 (Revised Map H and Preservation/Conservation Map, respectively), the NOPC submitted on January 28, 1997, the NOPC submitted on April 12, 2004, the NOPC submitted on May 15, 2008, and the NOPC submitted on March 22, 2010.

B. "County*" shall mean Manatee County, a political subdivision of the State of Florida.

C. "Developer*" shall mean PRI and Taylor Woodrow Communities at Artisan Lakes, LLC, its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

D. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.

E. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

F. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;

2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and

4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

G. "Office/Warehouse*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.

H. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map dated 03/17/10 attached as Exhibit 2.

I. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 8 herein.

J. "Senior Adult Housing or "housing for older persons" shall be as set forth in Section 760.29(4)(b), F.S., as same may be amended from time to time.

K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida Game and Freshwater Fish Commission, the County,* and the Environmental Action Commission.

M. "Ambient Water Quality Monitoring Requirements for Development" shall mean the Manatee County Environmental Management Departments Ambient Water Quality Monitoring Requirements for Development document, hereinafter (AWQWR), and attached hereto as Exhibit 4.

SECTION 6. DEVELOPMENT CONDITIONS:

Transportation

A.(1) Access to and from the site shall be in accordance with state and local access regulations and as shown generally on Revised Map H (Exhibit 1).

A.(2) Provisions shall be made for the construction of all internal collector roads required to serve project traffic. These roads shall be constructed at the cost of the Developer, or other appropriate entity (such as a Homeowner's Association or Community Development District), concurrent with Development Approval* of development requiring access on that roadway. All improvements including but not limited to dedication/design/construction beyond that necessary to accommodate project traffic shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law.

A.(3) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. **(Completed)** To ensure a total of 150' of right-of-way on Moccasin Wallow Road, an additional 15' of right-of-way shall be provided at the time of subdivision platting adjacent to Moccasin Wallow Road. Said right-of-way dedications shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(4) The Developer* shall provide a multi-purpose pedestrian/bicycle trail as part of the roadway design for Artisan Lakes Parkway and the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of the multi-purpose trail as part of the roadway design does not mean the trail itself must be part of the roadway. That is, the trail shall be included in design but may be constructed separately or in separation from the roadway itself. There shall be bicycle and pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.

A.(5) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* per Manatee County Land Development Code.

A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(7) When Certificates of Occupancy have been issued for land uses estimated to generate (per Trip Generation, Eighth Edition, ITE) 500 PM peak hour net external trips, a biennial monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that external trip improvement thresholds specified in Tables 3 and 4 for Phase 1 of the Project* are not exceeded. Counts shall continue on a biennial basis through buildout of Phase 1. This information shall be supplied in the required Biennial Report. Traffic counts used for the biennial report shall be conducted no sooner than 60 days prior to the required Biennial reporting date. If a Biennial Report is not submitted within thirty (30) days of its due date, or if the Biennial Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes, and amend the Development Order to change or require additional roadway improvements. Maximum driveway volumes counted as part of the biennial monitoring are anticipated to be no more than 2,172 inbound and 2,064 outbound PM peak hour trips for Phase 1 of the Project. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

A.(8) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Biennial Report.

If the Biennial Report indicates the total peak hour trips are not being diverted reasonably commensurate with those anticipated, Manatee County shall decide whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes for the purpose of determining amendments or other requirements to be added to the Development Order to change TSM objectives or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.

A.(9) Except as provided for in Stipulation A.(12), the following roadway and intersection improvements shall be required as part of Phase 1.

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

TABLE 3
PHASE 1 LINK IMPROVEMENTS
ROADWAY SEGMENTS

Roadway	Improvements	Threshold
Moccasin Wallow Road – ¼ mile west of Ellenton-Gillette to existing 4-lane section east of Gateway Blvd.	Widen to 4 Lanes	1,200
Artisan Lakes Parkway from Moccasin Wallow Road to Drive #1	Construct 4-lane divided roadway	Concurrent with Project Development
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Construct 2-lane divided roadway	Concurrent with Project Development
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Additional 2 lanes to create 4-lane divided roadway	2,339

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

TABLE 4
PHASE 1 INTERSECTION IMPROVEMENTS
INTERSECTIONS

Location	Improvement Summary	Net PM Peak Hour Project External Trip Threshold for Improvement
US 41 @ Buckeye Rd.	Signalize when warranted; Add WB Left-turn Lane Add WB LT Transition	2,232
Buckeye Rd. @ Artisan Lakes Pkwy.	Signalize when warranted; Add EB Right-turn Lane; Add WB Left-turn Lane; Add WB LT Transition; Included in construction of Artisan Lakes Parkway; Add 1 NB Left-Turn Lane and 1 NB Right-Turn Lane	Concurrent with Project Development
US 41 @ Moccasin Wallow Rd.	Signalize when warranted; Add 2 WB Left-turn Lanes; Add LT Transition for 2 WB LT	658*
US 41 @ I-275 NB	Signalize when warranted;	1,220*

	Add 2nd WB Left-turn Lane	
US 41 @ I-275 SB	Signalize when warranted	1,220*
US 41 @ 73rd St. E. (Erie Rd.)	Revise/Replace Traffic Signal as Needed; Add 2nd WB Left-turn Lane; Add LT transition; Add 1 WB Right-turn Lane; Add 2nd SB Left-turn Lane and Receiving Lane	2,610*
US 41 @ 49th St. E.	Add 1 WB Left-turn Lane; Add WB LT Transition; Add 1 WB Right-Turn Lane; Add 1 EB Left-turn Lane; Add EB LT Transition; Add 1 EB Right-Turn Lane	2,610*
Moccasin Wallow Rd. @ Bud Rhoden/Ellenton Gillette Rd.	Signalize when warranted; Add 1 SB Left-turn Lane; Add SB LT transition; Add 1 SB Right-turn Lane; Add 1 NB Left-turn Lane; Add NB LT Transition; Add 1 NB Right-turn Lane; [Concurrent with Moccasin Wallow widening: Add 1 EB Left-turn Lane; Add 1 EB Right-turn Lane; Add 1 WB Left-turn Lane; Add 1 WB Right-turn Lane; Add 1 WB Through and receiving lane]	598 (For improvements not associated with widening of Moccasin Wallow)
Moccasin Wallow Rd. @ Artisan Lakes Pkwy.	Signalize when warranted; Add 2nd EB Left-turn Lane; Add EB LT Transition	Concurrent with Project Development – Except 2nd EB Left: 2,921
Moccasin Wallow Rd. @ Gateway/Keystone	Signalize when warranted; Add 1 SB Left-turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ Drive #1	Construct NB / SB Left-Turn Lanes; Construct EB / WB Right-Turn Lanes; Construct EB/WB Through Lanes; Signalize if warranted;	Concurrent with Project Development
Artisan Lakes Parkway @ Drive #2	Construct NB Left-Turn Lane; Construct EB Right-Turn Lane: Construct EB Left-turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ Drive #3	Construct SB Left-Turn Lane; Construct WB Left/Right-Turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ School Drive	Construct NB Left-Turn Lane; Construct EB Left/Right-Turn Lane	Concurrent with Project Development
Artisan Lakes Parkway @ Multi-Family Drive (Parcel P)	Construct NB Left-Turn Lane; Construct EB Left/Right-Turn	Concurrent with Project Development

	Lane	
Multi-Family Drive @ Buckeye Road	Construct NB Left/Right-Turn Lane	Concurrent with Project Development
School Drive @ Buckeye Road	Construct NB Left/Right-Turn Lane	Concurrent with Project Development
Moccasin Wallow Road @ Frontage / Gillette	Signalize when warranted; Add 2 SB Left-Turn Lane; Add 1 WB Right-Turn Lane; Extend EB left-Turn Lane 320 feet	Concurrent with Project Development
Moccasin Wallow Road @ I-75 NB	Signalize when warranted	1.310
Moccasin Wallow Road @ I-75 SB	Signalize when warranted	1,196
Moccasin Wallow Road @ US 301	Signalize when warranted; Add 1 EB Left-Turn Lane; Add EB LT Transition	2,771*
Ellenton Gillette Road @ 73rd St. E. / 69th St. E.	Revise/Replace Traffic Signal as needed; Add 1 SB Left-Turn Lane; Add SB LT Transition; Add 1 SB Right-Turn Lane; Add 1 EB Left-Turn Lane; Add EB LT Transition; Add 2nd EB Through and Receiving Lane; Add 1 EB Right-Turn Lane; Add 1 NB Left-Turn Lane; Add NB LT Transition; Add 1 NB Right-Turn Lane	1,454
Ellenton Gillette Rd. @ Mendoza	Signalize when warranted; Add 1 NB Left-turn Lane; Add NB LT Transition; Add 1 NB Right-turn Lane; Add 1 SB Left-turn Lane; Add SB LT Transition; Add 1 WB Right-turn Lane	986*

*Threshold based on Project reaching 5% impact at that intersection,
WB means westbound, EB means eastbound, NB means northbound, and SB means southbound.

A.(10) With each Final Site Plan application, the Developer* shall submit to the County* a limited traffic information statement which shows the following:

- An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project* covered by the Final Site Plan application.

A.(11) Prior to development of Phases 2 and 3, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This

analysis shall address potential transportation impacts which might result from the development of this phase.

A.(12) Construction of any of the improvements listed in Tables 3 and 4 (excluding those noted in Exhibit 9 as "N/A – Site Improvement") and the mechanisms for financing them may be established pursuant to a Local Development Agreement or other appropriate instrument or through the scheduling and funding of such improvements by the Developer and/or County in accordance with applicable law, and may include mitigation of transportation impacts through an agreement for proportionate-share contributions pursuant to FS 163.3180.

The payment of a Proportionate Share in lieu of alternative transportation mitigation is an allowable option if affected extra-jurisdictional local governments or the Florida Department of Transportation (for facilities on the State Highway System) as may be applicable, agree to such payment in order to mitigate the extra-jurisdictional impacts. A proportionate share of $10,604,103 (see Proportionate Share Table for Phase 1, Exhibit 9 attached) has been determined the appropriate calculation to offset the transportation impacts associated with the total net external trips assumed in the approved transportation analysis for Phase 1 of the Gateway North (AKA: Artisan Lakes) DRI.

A.(13) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.

A.(14) At the time of Preliminary and/or Final Site Plan submittal for GDP Parcels P or L, if determined by Manatee County to be necessary, the Developer shall provide a paved roadway connection to the east to Stone Dam Preserve at a location shown on the GDP, and approved by the County. If required the road shall be constructed prior to completion of development of GDP Parcels P and L and shall include traffic calming measures as approved by the Planning and Public Works Departments. In no event shall the County be financially responsible for constructing the road connector. If it is determined that a road connection is not necessary, at a minimum, a pedestrian connection shall be made in order to allow students access to the proposed school site. The pedestrian access shall not be gated.

Wetlands

B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy and depicted on the attached Preservation/Conservation Map attached hereto as Exhibit 2 shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4). An Environmental Resource Permit has been issued for the project. No additional impacts will be added to Exhibit 2.

B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and

continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Planning Department, or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* shall be mitigated in accordance with the Manatee County Land Development Code (LDC Chapter 719, as may be amended) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate. **(Completed)**

B.(4) Exhibits 2 and 3 attached hereto identify wetlands by approximate acreage and the area to be impacted or preserved. Wetland impacts shown on the referenced table and figure are subject to avoidance and minimization review criteria as required by Comprehensive Plan Policy 3.3.1.1, which shall be demonstrated prior to each Preliminary Site Plan approval. Those wetlands identified to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Exhibits 2 and 3 to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above. **(Completed)**

B.(5) The Developer* has obtained a jurisdictional determination by SWFWMD for all on-site wetlands and has received appropriate permit approval for wetland management and mitigation by the County* and SWFWMD for a portion of the site. The developer shall submit a wetland management and mitigation plan to the County and SWFWMD for review prior to any wetland alterations not previously permitted. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative, and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

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

   a. Identification of existing dry and wet season site conditions;

   b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;

   c. Photographs and 24"X 36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

d. Narrative descriptions of any proposed wetland restoration activities and related issues;

e. Estimated costs of wetland mitigation/restoration schemes; and

f. Mitigation plans shall also include:

(1) Area and location of plantings;

(2) Species to be planted and spacing;

(3) Elevations for plantings;

(4) Source of plants or mulch;

(5) Source of wetlands soil and depth proposed; and

(6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719) or Uniform Mitigation Assessment Method (UMAM-Chapter 62.345 FAC), as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Wetland compensation areas and littoral shelves shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the created wetlands/enhanced wetlands/littoral shelves shall meet or exceed eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the littoral shelves and mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers, buffer restoration, sign requirements, and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Exhibit 7). **(Completed)**

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).

C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the Planning Department for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.

C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the approved preservation/conservation map (Exhibit 2).

C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the Planning Department consistent with the provisions of the Manatee County Comprehensive Plan.

C.(6) Any proposal to change upland preservation areas, as shown approximately on Exhibit 2, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;

b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;

c. Limit site work and construction to areas needed for immediate development;

d. Develop asphalt roads as soon as possible;

e. Initiate landscaping before development work is completed on a site;

f. Construct sediment basins at the start of each drainage system phase;

g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and

h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

E.(1) The Developer* shall institute the following procedures to ensure dust control during development of the Project*:

a. Implement a watering program during excavation, and dredge and fill operations;

b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;

c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;

d. Keep soil stockpiles moist, or treat with soil binders or cover;

e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

f. Remove dust producing materials as soon as possible;

g. Clean (sweep) paved roads adjacent to site as necessary;

h. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;

i. Limit site work and construction to areas needed for immediate development;

j. Develop asphalt roads as soon as possible; and

k. Initiate landscaping before development work is completed on site.

E.(2) Prior to development of Phases 2 or 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

Water Quality and Drainage

F.(1) The Master Drainage Plan* for the overall Project* has been submitted to SWFWMD and an Environmental Resource Permit (ERP) has been issued for Phase 1 of the overall project. Manatee County approval has also been issued for Phase 1 of the project. The stormwater management systems not yet permitted shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida

Administrative Code, and 40D-4, Rules of SWFWMD and the County*, whichever is more stringent. The maximum post-development peak rate of runoff from the site shall not exceed the peak pre-development flow rate for the design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

F.(2) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to SWFWMD for review and approval in conjunction with the respective ERP permit applications.

F.(3) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.

F.(4) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County*. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, and the County*. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:

1. Pre-construction monitoring: **(Completed)**

   a. Sampling shall be initiated at least one year before the start of construction, in accordance with the provisions set forth in the AWQWR (Exhibit 4). It should be noted that baseline water quality monitoring for the development site was implemented in late 1997 and completed in March 1999, according to Manatee County records. A Supplemental Water Quality Monitoring Plan to meet the current or additional requirements referenced in Exhibit 4, is provided as Exhibit 5. This monitoring plan shall be implemented immediately, upon approval, in order to satisfy the one year monitoring requirement, during the pre-development phase, as specified.

   b. Sampling events shall be conducted in accordance with the AWQWR (Exhibit 4). The monitoring frequency and locations for the sampling events are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

2. Construction monitoring:

a. The monitoring of construction activities shall be accomplished with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies shall be initiated and maintained during construction and site development activities. The visual checks shall be conducted by the developer's onsite construction manager, who will maintain a daily log and also conduct weekly construction meetings with the subcontractors, to include discussions on stormwater and sediment control issues. The Sediment Control Program and engineer's documentation as well as the construction managers daytime and emergency contact information shall be provided to the Manatee County Environmental Management Department, prior to startup of site development activities. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.

b. Any violation of water quality standards within a drainage basin under construction shall be reported to the County* and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring: **(Completed based on exemption outlined below.)**

a. Sampling events shall be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the developments Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

4. The Developer* will incorporate additional water quality treatment or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

F.(5) Prior to any site alteration, the Developer* shall implement a ground water quality monitoring plan that is approved by the County*. The plan will be designed to determine the predevelopment water quality conditions of the surficial aquifer and Floridan aquifer as required by the ADA*. Water quality samples shall be collected and analyzed for at least the parameters containing regulatory limits listed under 40 CFR Parts 141-143, the National Primary Drinking Water Regulations. The water quality samples shall be collected from at least two surficial aquifer wells and two Floridan aquifer wells. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, DEP and Manatee County

will be properly notified for further action. FDEP will have the opportunity to review and comment to Manatee County on the groundwater plan proposal.

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

The applicant submitted a pre-construction groundwater monitoring report in 1998 that represented the water quality conditions, as specified above. On February 13, 2004, the pre-construction groundwater monitoring requirement was considered satisfied by the County.

A groundwater monitoring plan has been submitted and approved by NRD, however groundwater monitoring is still ongoing.

F.(6) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules. **(Completed)**

F.(7) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

F.(8) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

Historical and Archaeological Sites

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

Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

Water

H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

H.(3) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

H.(4) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility. The Developer* shall submit an acceptable plan to the County* and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.

H.(5) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.

H.(6) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.

H.(7) Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

H.(8) For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*

I.(2) No additional permanent septic system shall be permitted within the Project*.

I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations. **(Completed)**

I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Biennial Report.

I.(5) The Developer* shall implement a wastewater reuse system when feasible.

Solid Waste

J.(1) Prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, included in the first Biennial Report following completion of the Plan, and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:

   a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

   b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;

   c. Describe generally improper disposal methods;

   d. Describe generally appropriate disposal methods;

   e. Provide a list of agencies which can be consulted regarding the

proper handling and disposal of hazardous substances;

f. Describe a program to inform owners and tenants of the information contained in the plan;

g. Describe construction requirements for hazardous waste holding areas;

h. Describe typical spill cleanup methods; and

i. Be updated and distributed to each non-residential land user annually.

J.(2) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Biennial Report.

J.(3) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permittable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

J.(4) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

K.(1) The Project shall contain, at a minimum, 286.6 acres of open space (including wetlands, lakes, and open space) in addition to approximately 15.5 acres committed to recreation as shown on Exhibit 1 Revised Map H. Recreation areas within the Project shall be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (15.5 acres with facilities) shall be completed prior to buildout of Phase 1 residential units. (The 24.3 acre park site has been dedicated to Manatee County).

K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.

K.(3) All recreation, park, and wetland sites, as shown on Revised Map H, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.

Education

L.(1) The Developer shall dedicate to the Manatee County School Board usable land for one elementary school site of at least 20 acres in size. This land shall be available to the School Board at any time upon request. At the time of the school site dedication to the School Board, the Developer shall dedicate to the County road right-of-way access to Buckeye Road, as shown on the General Development Plan. An internal public road from the school site to Buckeye Road, providing at least two driveway connections to the school site and designed to County standards, shall be constructed to the school site at Developer's expense, in a location agreeable to the School Board and Manatee County. Additionally, connections for potable water and sanitary sewer sized to serve an 823 seat elementary school shall also be provided to the boundary of the school site by the Developer at Developer's expense. Within 90 days after receipt of notice from the School Board Superintendent, the Developer shall submit construction plans for the road to Manatee County and SWFWMD for review and approval. The Developer shall diligently pursue the engineering design and permitting of said construction. The Developer shall complete construction of this road within nine (9) months after receipt of all required permits. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County for joint use of the recreational areas. The Project's Master Stormwater Plan shall provide for the school site's stormwater retention needs. The Developer shall be entitled to school impact fee credit as allowed for by County impact fee regulations for all acreage dedicated or conveyed to the Manatee County School Board for the elementary school site. The value of the school site shall be determined based upon the purchase price for the acreage by the Developer, but in no event shall exceed the average of two appraisals obtained by the School Board at the time of conveyance. The Developer* shall give the School Board written notice of the date the infrastructure adjacent to the 20 acre school site and construction of a minimum of 750 dwelling units is completed. If the School Board has not requested the dedication of the school site within 3 years of completion of infrastructure adjacent to the 20 acre school site and construction of a minimum of 750 dwelling units, the Developer* will give notice to the School Board, requesting that the School Board determine, within 6 month of this notice, the need for and timing of the school. If the School Board determines that the school site is not needed, the 20 acre school site will become available to the Developer* for residential development, or a public school, a public charter school, or a private school.

L.(2) Map H shows residential development in a specific parcel with an alternative use as a public school, a public charter school, or a private school. If the specified parcel is developed with a school, those residential units identified for that parcel may be reallocated to other residentially designated parcels, provided that the total residential units are not exceeded and all other requirements of this development order and the zoning ordinance are met. Reallocation of these residential uses may be permitted through amendments to the local zoning ordinance and Preliminary Site Plan for this project, without the need for further DRI review.

Health Care, Police, and Fire

M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the approval of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. **(Land Acquisition and Facility Construction Completed.)**

M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. The Community Service parcel shall be conveyed in whole or in part to the North River Fire District for construction of a fire and EMS station prior to approval of the first Final Site Plan or Final Plat for Vertical Development in Phase 1, or any subphase thereof. Should the Fire District opt for another location, the permitted uses on this site may revert to mixed uses as defined in Table 1. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**

M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.

M.(4) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.

M.(5) The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of Sheriff's Office services necessary to serve the Project* or any phase or subphase thereof.

Reserved

N. Section left blank intentionally.

Energy

O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.

O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

b. Obtain energy audits provided by energy companies or other qualified agencies;

c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non business hours, as appropriate;

g. Institute and utilize recycling programs;

h. Utilize energy efficient packaging or recyclable materials;

i. Install total energy systems on large facilities when cost effective; and

j. Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each biennial report.

General Conditions

P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* shall be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.

P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 7 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Biennial Report, subject to approval by the County*.

P.(4) All Development Approvals* shall be obtained within twenty-three (23) years from the date of approval of this Development Order. This Development Order shall expire twenty-eight (28) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project experience. If such analysis indicates that the Project will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project or if such analysis indicates that the Project would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

- Specific provisions for on-site housing delivery, including housing delivery alternatives;

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

P.(6) The Developer shall provide, within 10 miles of the project boundary and within Manatee County, a number of residential units equal to 10% of the incremental increase in the total number of Phase 1 residential units to be constructed in Gateway North Phase 1, or 16 units, that qualify as workforce housing as defined as attainable, safe, decent housing purchased by an individual or family with income at or below the income equivalent no higher than twenty (20) percent above the moderate income level for a family of three (3) and where the sales price of the home is no higher than twenty (20) percent above the moderate income home sales price established by the Manatee County Local Housing Assistance Plan, as such may be amended from time to time. The developer intends, but is not required, to locate the workforce housing units within the Gateway North DRI. The workforce housing required herein is generally designed to provide housing for essential workers.

P.(7) Income limits and maximum home sale prices shall correspond to values as provided in the Manatee County Maximum Income Limits Table. These limits are updated periodically by Manatee County and shall be utilized accordingly. The sale price and income limits in effect at the time a contract for purchase of a workforce housing unit is executed shall apply. Workforce Housing shall mean attainable, safe, decent housing purchased by an individual or family with income at or below the income equivalent no higher than twenty (20) percent above the moderate income level for a family of three (3) and where the sales price of the home is no higher than twenty (20) percent above the moderate income home sales price established by the Manatee County Local Housing Assistance Plan, as such may be amended from time to time.

P.(8) The Developer shall include in its Biennial Report data showing the number and sale prices of workforce housing units sold that are creditable towards Stipulation P.(6) during the reporting period. The Biennial Report shall also include the current Manatee County Maximum Income Limits Table. Only those units that have a sale price equal to or less than the maximum allowable home sales price, as provided in P.(7), shall be counted toward the required mitigation.

P.(9) The Developer, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on odd number years commencing August 26, 2011 until such time as all terms and conditions of this Development Order are satisfied. Eight (8) copies of this report and one digital (CD) version shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County

Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:

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

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

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, and being significant;

f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

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

i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14) (d), Florida Statutes;

j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(2), and O.(3).

m. Any other information required pursuant to general law.

P.(10) A new CLOS will be issued for Phase 1 of the project. The expiration of this CLOS will be concurrent with the build out date approved for Phase 1. The CLOS will include the traffic improvements listed in Tables 3 and 4 of the ordinance.

SECTION 7. DEVELOPER* COMMITMENTS:

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

A. Air

As areas are cleared, the contractor shall sod, seed, mulch, or landscape the cleared areas as soon as possible. The side slopes of detention ponds shall be sodded or natural vegetation will be encouraged to grow. Wind erosion shall be controlled through sprinkling or other appropriate means. (ADA* 13-6)

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

B. Water

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

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

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

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

C. Vegetation and Wildlife

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

In regard to the negative influences of domestic pets, exotic plant landscaping, and

domestic toxic chemicals, the applicant shall provide environmental information to all land owners and residents advising them of measures they can take to protect the wildlife and habitat resources of their community. (SR, 18-15)

D. Drainage

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

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

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

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

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

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge shall be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

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

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

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

F. Solid Waste

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

As required by general law, the Developer* shall notify its employees should there be

hazardous material utilized by the Developer*. (SR, 24-2)

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

G. Energy

The applicant shall coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)

Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

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

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

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

H. Recreation and Open Space

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

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

I. Education

The 20.0 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

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

K. Fire

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

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

L. Transportation

The Developer* is committed to implementation of the roadway improvements identified in Section 6 Development Conditions: Transportation of the Development Order.

Additional Developer Commitments associated with Ordinance 10-44

1. There will be no changes to preservation areas designated on the existing Master Development Plan, Exhibit 1 - Map H.

2. The application was provided to the Manatee County School Board through the submittal to Manatee County Planning Department. In addition, the applicant met with Mike Pendley, Facilities Planner for the Manatee County School Board, on April 15, 2008 to discuss the proposed application. (June 16, 2008 correspondence/Page 1)

3. The Manatee County School Board has discretion on whether the public school site on Parcel Q will be used or when it will be used. However, they do not have the sole discretion as to the location of the school site. The location can only be changed through coordination with the applicant and through appropriate applications with Manatee County. (June 16, 2008 correspondence/Page 2)

4. If the specified parcel [Parcel "M"] is developed with a school, those residential uses identified for that parcel may be relocated to other residentially designated parcels, provided that the total residential units are not exceeded and all other requirements of this Development Order and the zoning ordinance are met. (June 16, 2008 correspondence/draft amendatory language/Page 32)

5. It is understood that the potential construction of a private school currently requested on an existing residential parcel (Parcel "M" of the General Development Plan) would not fulfill the requirement for dedication of a 20-acre public school site (Parcel "Q" of the General Development Plan) currently recognized in the Development Order. However, in the event the School Board does not elect to construct the school site within the Gateway North community, the developer would be authorized to construct the current approved residential entitlements across this parcel.

6. The proposed/revised Master Development Plan or Map H, attached to this Report as Exhibit 1, shall be recognized within the amendatory language and included as a separate exhibit to the Development Order.

SECTION 8. LEGAL DESCRIPTION:

DESCRIPTION: (O.R. BOOK 1357, PAGE 132)

THE SOUTH 14 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 132)

TOGETHER WITH:

DESCRIPTION: (O.R. BOOK 1357, PAGE 134)

PARCEL A

THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1025 AT PAGE 3055, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAYS FOR BUCKEYE ROAD AND GRASS FARM ROAD, AND FLORIDA POWER AND LIGHT EASEMENT ALONG THE NORTH LINE THEREOF.

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR BUCKEYE ROAD.

PARCEL B

THE NORTHEAST 1/4, THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1030 AT PAGE 2797, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE SOUTH 14 FEET OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR 56TH AVENUE EAST.

LESS THAT PART FOR RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 867 AT PAGE 441, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD.

PARCEL C

THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD AND 40TH AVENUE EAST.

PARCEL D

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS LANDS DESCRIBED IN OFFICIAL RECORD BOOK 291 AT PAGE 245 AND OFFICIAL RECORD BOOK 898 AT PAGE 872, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75.

PARCEL E

THE NORTHWEST 1 /4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL F

THAT PART OF THE EAST 1 /2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING NORTHWEST OF AND ABUTTING THE NORTHWEST RIGHT OF WAY LINE FOR INTERSTATE ROUTE 75.

PARCEL G

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15"EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET; THENCE NORTH 52°13'21" EAST, ALONG A FENCE, A DISTANCE OF 758.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE WEST, A DISTANCE OF 752.00 FEET; THENCE SOUTH 00°33'15" WEST ALONG THE AFOREMENTIONED WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 805.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 235, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL H

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°30'20" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 492.00 FEET TO THE POINT OF

BEGINNING; THENCE CONTINUE SOUTH 00°30'20" WEST, A DISTANCE OF 835.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 88°54'50" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1040.38 FEET; THENCE NORTH 00°42'07" EAST, A DISTANCE OF 1293.37 FEET TO THE SOUTH RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE NORTH 88°42'00" WEST, ALONG SAID RIGHT OF WAY LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 714.86 FEET; THENCE SOUTH 00°30'20" WEST, A DISTANCE OF 462.00 FEET; THENCE NORTH 88°42'00" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL I

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1 /4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°03'21" EAST, ALONG A FENCE, A DISTANCE OF 756.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE EAST, A DISTANCE OF 117.00 FEET; THENCE SOUTH 21°55'00" EAST, A DISTANCE OF 238.00 FEET; THENCE SOUTH 30°37'45" WEST, A DISTANCE OF 249.85 FEET; THENCE NORTH 59°02'07" WEST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 51°53'51" WEST, A DISTANCE OF 674.66 FEET; THENCE WEST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75 AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 235 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 134)

LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1537 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1541 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* has commenced. If construction of a phase is not begun or

completed by the timeframes contained in Section 4 above, or if any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use. Physical development of the Project* has commenced.

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

For twenty-eight years from the date of approval (December 2, 2010), provided this Ordinance is not appealed, the County may not down-zone or reduce the intensity or unit density permitted by this Order, unless the County* can demonstrate that:

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

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

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

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 12. RENDITION:

The Planning Department is hereby directed to send certified copies of this Order within thirty days

of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the Florida Department of Community Affairs, and TBRPC.

SECTION 13. NOTICE OF RECORDING:

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

SECTION 14. SEVERABILITY:

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

SECTION 15. EFFECTIVE DATE:

This Ordinance, 10-44 shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 08-58 during pendency of any appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 2nd DAY OF DECEMBER, 2010.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Donna G. Hayes, Chairman

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

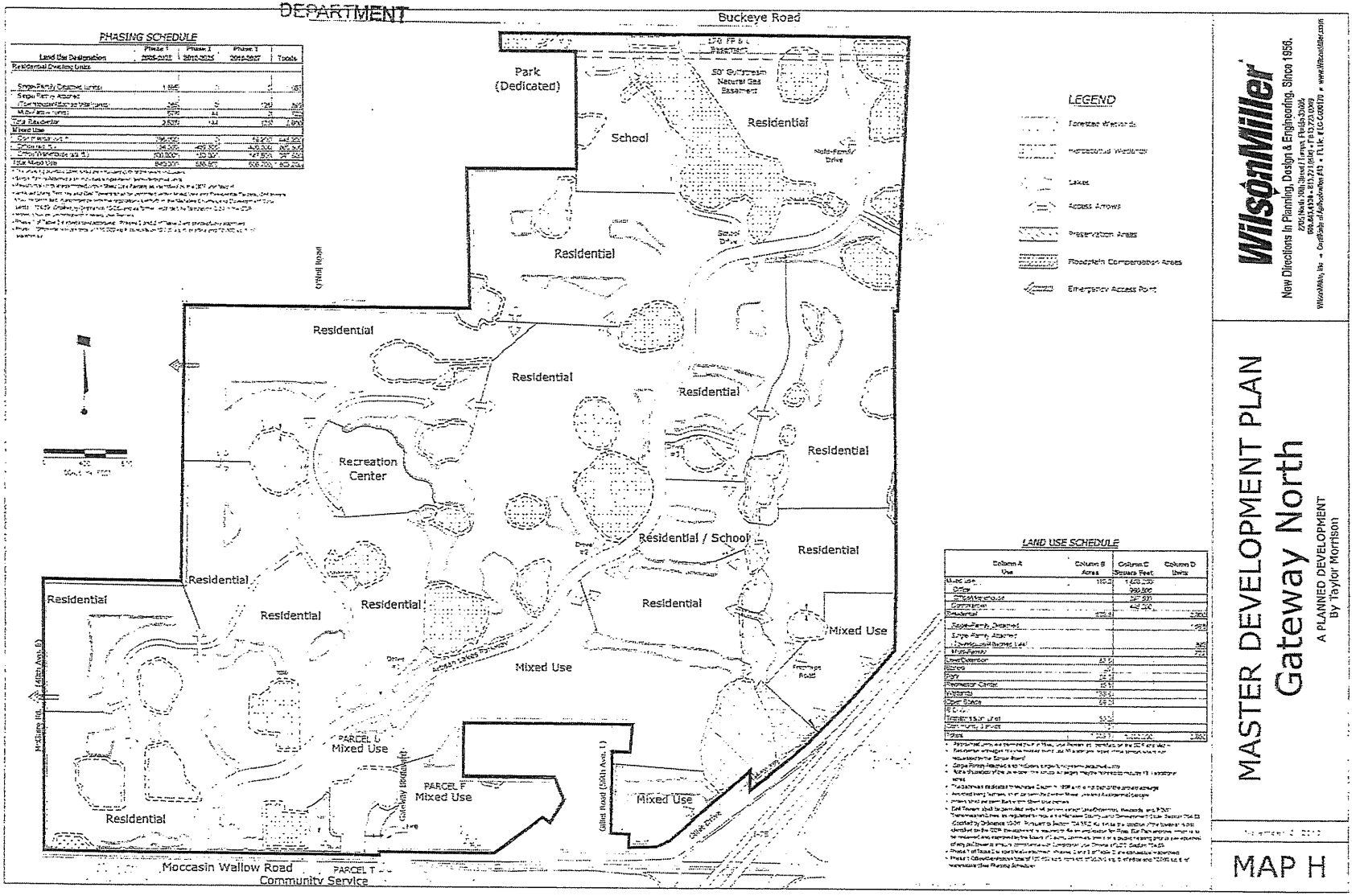
ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

BY: Diane E Vollmer
Deputy Clerk

Development Order Exhibits:

Exhibit 1 – Map H
Exhibit 2 – Preservation and Conservation Map
Exhibit 3 – Wetlands Impacts
Exhibit 4 – Ambient Water Quality
Exhibit 5 – Supplemental Water Quality
Exhibit 6 – Land Use Equivalency Matrix
Exhibit 7 – Wildlife Management Plan
Exhibit 8 – Affordable Housing
Exhibit 9 – Proportionate Share Table for Phase 1

PLANNING
NOV 2 2 2010
DEPARTMENT


Buckeye Road
Park (Dedicated)
School
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential
Residential / School
Recreation Center
Mixed Use
Mixed Use
Mixed Use
Mixed Use
PARCEL U Mixed Use
PARCEL F Mixed Use
PARCEL T Community Service
Moccasin Wallow Road
Gilbert Road (50th Ave. E)
Gateway Boulevard
Arbor Lakes Parkway
Fleetings Road
Drive
Drive
Drive

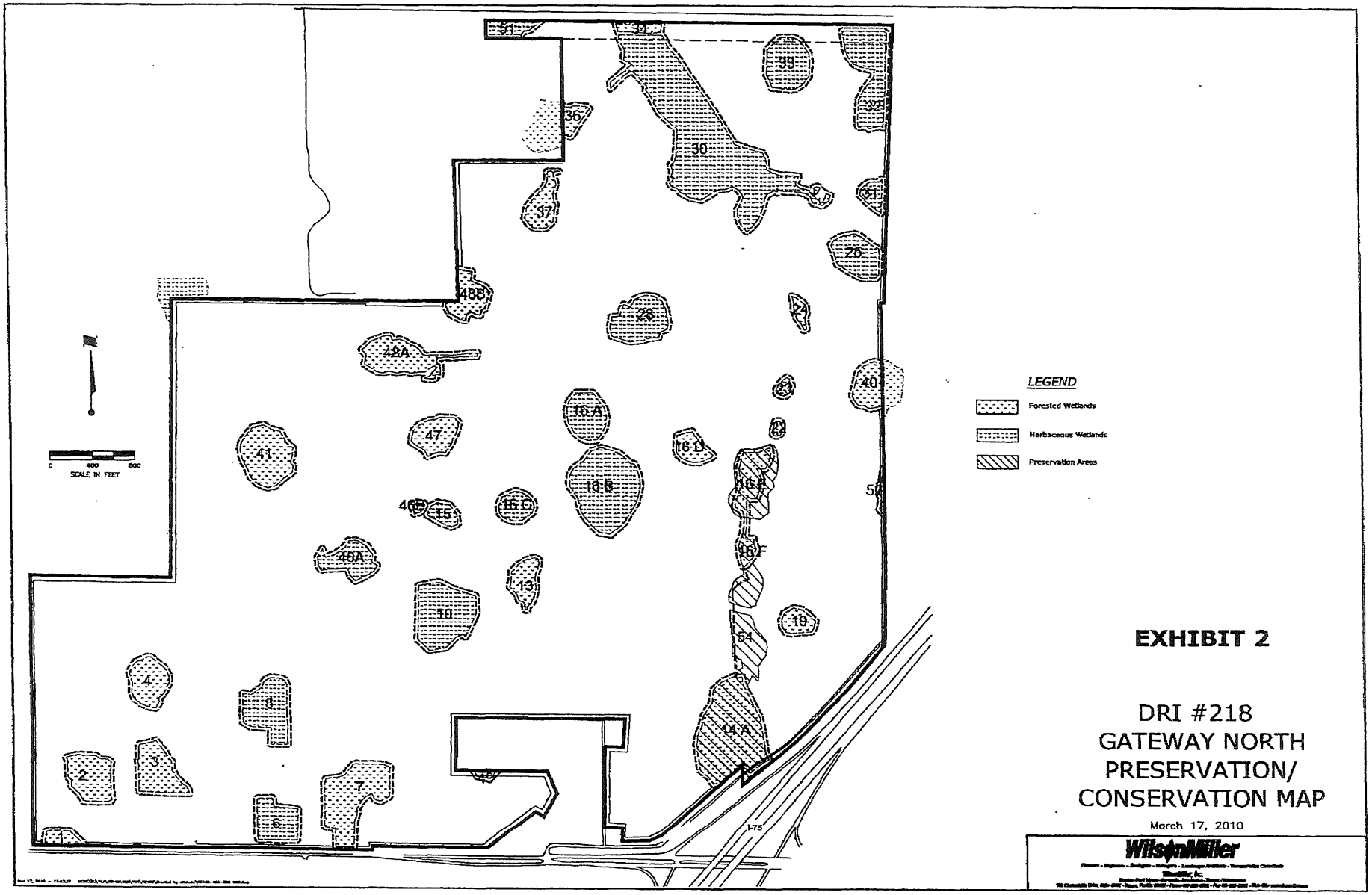


EXHIBIT 2

DRI #218
GATEWAY NORTH
PRESERVATION/
CONSERVATION MAP

March 17, 2010

Wilson Miller

Exhibit 3
Wetland Acreages and Impacts - March 17, 2010

Wetland #	Land Use	Acres	Permanent Impact Acreage
1	610	0.93	
2	610	3.71	
3	610	3.71	
4	610	3.00	
5	610	4.50	
6	610	3.08	
7	610	6.79	0.1
8	610	1.67	1.67
10	640	6.44	
11	610	0.81	0.81
12	615	0.25	0.25
13	641	1.98	
14A	615	10.75	
15	640	0.99	
16A	640	3.00	
16B	640	8.78	
16C	640	1.62	
16D	640	1.49	
16E	615	2.50	
16F	615	0.85	
19	610	1.36	
22	619	0.23	
23	640	0.40	
24	640	0.55	
25	640	3.19	
27	643	0.17	0.17
28	640	4.19	
30	640	23.42	
31	640	0.96	
32	640	5.37	
33	641	3.75	
34	641	0.77	
36	610	1.10	
37	610	2.16	
40	610	2.31	
41	640	4.98	
46A	610	2.75	
46B	610	0.19	
47	610	2.57	
48A	610	4.54	
48B	610	2.69	
49	610	0.27	
51	640	1.58	
52	640	0.30	
54	615	0.25	
Total:		**136.90**	**3.00**

Total Permanent Wetland Acreage after Impacts: 133.90

Exhibit 4

Ambient Water Quality

Monitoring Requirements for Developments

General Monitoring Plan Requirements

Applicants should establish by pre-development monitoring data collection the current status of any receiving waterbody of the proposed development under the Impaired Waters Rule, 62-303 F.A.C.. Monitoring plan designs must be pre-approved by the Environmental Management Department, Water Quality Division, which will also review the required reports.

Program Duration and Sampling Frequency

Water quality monitoring must meet the data sufficiency requirements of 62-303.320(4) F.A.C.. At least ten, independent samples with at least one sample from three of the four calendar seasons as described in the cited administrative code. However, sampling must be attempted in all four calendar seasons. Data collection must continue in successive calendar seasons until sufficient data are accumulated to determine the water body status. One year of monitoring data collection will normally be required to meet this criterion. Data from other entities do not satisfy this requirement for current monitoring data collection.

Sampling Stations

A minimum of one surface water sampling station is to be located in each water body that will receive stormwater discharges from the completed development. Additional stations may significantly increase the reliability of the monitoring program. Applicants should carefully consider if their monitoring program design is viable during the dry season. Samples from multiple stations must meet the independence criteria of 62-303.320(4) F.A.C..

Quality Assurance

Monitoring data must meet all of the quality assurance requirements of 62-303.320(7) F.A.C.All monitoring data must be submitted to STORET.

Reporting

Applicants should submit quarterly status reports no later than 60 days following the end of each calendar quarter. Status reports will indicate where and when monitoring data were collected and summarize the results. A final, interpretive report is due no later than 90 days following the conclusion of the monitoring program. The report will evaluate the monitoring data using the procedures described in 62-303.300 F.A.C. (Planning List), State water quality standards in 62-302 F.A.C., and procedures used by the Florida Department of Environmental Protection Watershed Management Cycle, Phase 1 (Planning List). Data from other entities meeting the quality assurance requirements described above may be used in the interpretive report. Results should be submitted to STORET concurrently with the submission of the final report. Your final report should indicate how these data were labeled so that the submission can be verified through the STORET Internet interface.

Exhibit B

Gateway North Water Quality Stations

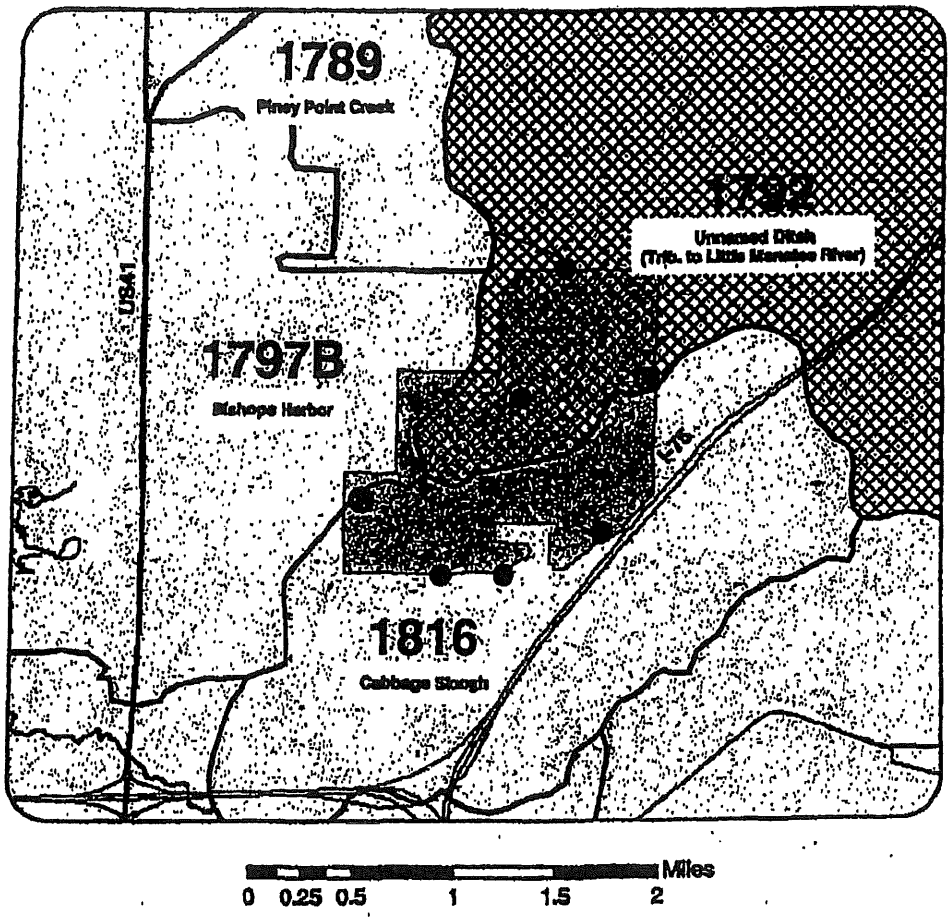


Exhibit 5

Gateway North/AKA Property Reserve, Inc. PDMU-91-01

Supplemental Surface Water Quality Monitoring Plan Proposal

The following presents a Supplemental Water Quality Monitoring Plan, in accordance with the stipulation under Development Order Condition F.(5) 1. Pre-Construction Monitoring for the above referenced NOPC development site. An aerial map showing the Gateway North NOPC site boundaries is provided following this monitoring plan proposal.

Baseline water quality monitoring was performed and approved by MCEMD for the original DRI project, in late 1997. The baseline monitoring continued through January 1999 in order to collect sufficient, representative surface water quality data to satisfy the Manatee County Ordinance 93-49, Development Order requirements, at that time. In the interim, MCEMD has mandated additional development order requirements in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired waterbodies.

The following supplemental water quality monitoring plan for ambient, surface water conditions is proposed in order to meet those additional requirements referenced in Exhibit "A" (MCEMD's "Ambient Monitoring Requirements for Developments") of the above referenced Development Order, during the pre-developmental phase of the proposed NOPC project. A copy of "Exhibit A" is provided with this monitoring plan for reference. Upon approval, the monitoring program will begin immediately in order to satisfy the one year of monitoring data collection prior to site development activities.

Sampling Stations/Locations:

Five water quality monitoring stations were established to monitor the DRI site during 1997 to 1999. The stations were located upgradient and downgradient of sub-basin drainages within the DRI site. The Gateway North DRI monitoring station locations are shown on the attached MCEMD Basin ID map, identified as Exhibit "B". Monitoring of the same locations is proposed for the supplemental water quality monitoring program in order to detect surface water quality trends for the water quality parameters previously analyzed.

Monitoring Frequency and Parameters:

Surface water sampling will be conducted at the five surface water monitoring stations (Exhibit "B") on a quarterly basis in order to meet the data sufficiency requirements of 62-303.320(4) F.A.C. At least ten, independent samples are to be collected with at least one sample from three of the four calendar quarters in order to determine the additional representative, ambient water quality conditions during the pre-development phase of the NOPC project.

The following parameters will be analyzed from samples collected from the monitoring stations:

Dissolved oxygen;
Temperature;
pH;
Conductivity/Salinity
Fecal and Total Coliform;
Turbidity;
Total suspended solids (TSS)
Total organic carbon (TOC)
Color
Carbonaceous biologic oxygen demand (CBOD)
Calcium magnesium (Ca Mg)
Potassium (K)
Sodium (Na)
Iron (Fe)
Chlorophyll a
Phaeophytic a
Nitrate
Total kjeldahl nitrogen (TKN)
Ammonia (NH3)
Total nitrogen;
Nitrate + Nitrite
Total phosphorus
Total phosphate
Sulfate (SO4)
Flouride
Chloride
Organochlorine Pesticides (EPA 608 parameter list)
Primary Herbicides: 2,4, 5-TP Silvex and 2,4 - D

Quality Assurance/Quality Control: Sampling/Analytical Methods

All sampling and field measurements will follow the applicable collection and quality control protocols and requirements described in DEP-SOP-001/01 (January 1, 2002) and DEP-QA-

001/92 (Laboratory Operations and Sample Collection Activities). Analytical methods will meet all of the quality assurance requirements stipulated in 62-303.320(7).

Reporting:

Reporting for the supplemental water quality monitoring program will be performed in accordance with the provisions in Exhibit "A". Field and laboratory analytical results for the supplemental monitoring periods will be submitted to MCEMD in a quarterly status report no later than 60 days following the end of each calendar quarter. These status reports will indicate monitoring data collection frequency, location and will summarize the results. An interpretive report will be submitted at the conclusion of the pre-development monitoring (for ambient water quality conditions) period, no later than 90 days following the final (pre-development) monitoring event. All data will be submitted to STORET as specified in Exhibit "A".

Attachments: (updated) Aerial Map Exhibit (DRI/NOPC site boundaries)
Exhibit "A" (MCEMD Ambient Water Quality Monitoring Document)
Exhibit "B" (MCEMD Basin ID map)

CC: Tom Spence, TW Acquisitions, Inc.
Greg Blanchard, MCEMD
Brenda Arnold, FDEP

\\Palmetto\public\Affairs\SLR-Taylor Woodrow\Water Quality-NOPC\Supplemental WQ Monitoring Plan Proposal 0604.doc

Exhibit 6

GATEWAY NORTH DRI LAND USE EQUIVALENCY MATRIX (November 2010)

"A"	"B" EQUIVALENT USES									
LAND USES THAT ARE TO BE TRADED	# OF SINGLE-FAMILY DWELLING UNITS	# OF SINGLE-FAMILY ATTACHED UNTIS	# OF MULTI-FAMILY APARTMENTS	# SR. ADULT HOUSING DETACHED UNITS	# OF SR. ADULT HOUSING ATTACHED UNITS	# OF SQ. FT. RETAIL	# OF SQ. FT. MINI-WAREHOUSE	# OF SQ.FT. OF OFFICE	# OF SQ. FT. OF WAREHOUSING	# OF HOTEL ROOMS
SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.55)	(1.36)	(2.93)	(4.94)	(141.07)	(2633.33)	(329.17)	(1128.57)	(1.13)
SINGLE FAMILY ATTACHED	(0.65)	(1.00)	(0.88)	(1.89)	(3.19)	(91.07)	(1961.54)	(212.50)	(728.57)	(0.73)
MULTI FAMILY APARTMENT	(0.73)	(1.14)	(1.00)	(2.15)	(3.63)	(103.57)	(1933.33)	(241.67)	(828.57)	(0.83)
1000 SQ. FT.OF RETAIL	(7.09)	(10.98)	(9.66)	(20.74)	(35.00)	(1000.00)	(21538.46)	(2333.33)	(8000.00)	(8.00)
1000 SQ. FT. OF OFFICE	(3.04)	(4.71)	(4.14)	(8.89)	(15.00)	(428.57)	(9230.77)	(1000.00)	(3428.57)	(3.43)
1000 SQ. FT. WAREHOUSING	(0.89)	(1.37)	(1.21)	(2.59)	(4.38)	(125.00)	(2333.33)	(291.67)	(1000.00)	(1.00)

* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the ( ) at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 141.07 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 141.07 Sq. Feet.

In order to preserve the multi-use nature of this development , Phase I land use exchanges will be limited so that the following Phase I minima and maxima for each land use will be observed :

Use	Phase I Approved Uses	Minimum	Maximum*
Single-Family Detached (including Sr. Adult) d.u.'s	1,685	1,011	2,359
Single-Family Attached (including Sr. Adult) d.u.'s	265	159	371
Multi-Family Apartment d.u.'s	578	347	809
Commercial s.f.	386,000	308,800	463,200
Office s.f.	184,000**	147,200	220,800
Hotel rooms	0	0	180
Mini-warehouse s.f.	0	0	175,000
Warehouse s.f.	70,000	56,000	84,000

*No individual land use category shall exceed the threshold for increases as established in Subsection 380.06(19), Florida Statutes without a Notice of Proposed Change Substantial Deviation Analysis.

**184,000 square feet of office includes 30,000 square feet of office assumed in Office/Service Center.

Exhibit 7

GATEWAY NORTH

WILDLIFE MANAGEMENT PLAN

May 11, 1993

Prepared For:

MAGNOLIA MANAGEMENT CORPORATION
1700 - 13th Street, Suite 1
St. Cloud, Florida 34769

Prepared By:

CONSERVATION CONSULTANTS, INC.
5010 U.S. Highway 19, North
Post Office Box 35
Palmetto, Florida 34220

H. Clayton Robertson

H. Clayton Robertson, Principal Scientist

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GATEWAY NORTH
WILDLIFE MANAGEMENT PLAN

1.0 INTRODUCTION

The Gateway North project is an approved Development of Regional Impact (DRI) located in northwest Manatee County. The project consists of approximately 1070 acres bordered to the north by Buckeye Road, to the south by Moccasin Wallow Road, and to the southeast by Interstate 75 (**Figure 1**). The project will be a mixed-use development containing single family, townhome, and multi-family dwellings; commercial space; office space; a school site; a recreation center; and a county park/habitat preserve.

Condition C.(1) of Manatee County Ordinance 92-30 (hereinafter referred to as Development Order) requires that the Developer prepare a plan in accordance with the management guidelines of the Florida Game and Fresh Water Fish Commission (FGFWFC) and receive administrative approval by the FGFWFC, the County, and the Environmental Action Commission (EAC). Specifically the plan shall:

> "Address all listed species observed on site, or which are observed frequenting the site for nesting, feeding, or breeding, to include cranes and other wading birds. This plan shall also include information on upland and wetland preserve habitat protection and management, as well as information on site maintenance, fire frequency, wetland management and boundary protection. The plan shall identify the bound entity for implementation, management, and financial responsibility."

To this end, this report provides an overview of the distribution and abundance of the protected species on the project site; a description of the various habitat management and preservation areas; the types of habitat management necessary to provide suitable

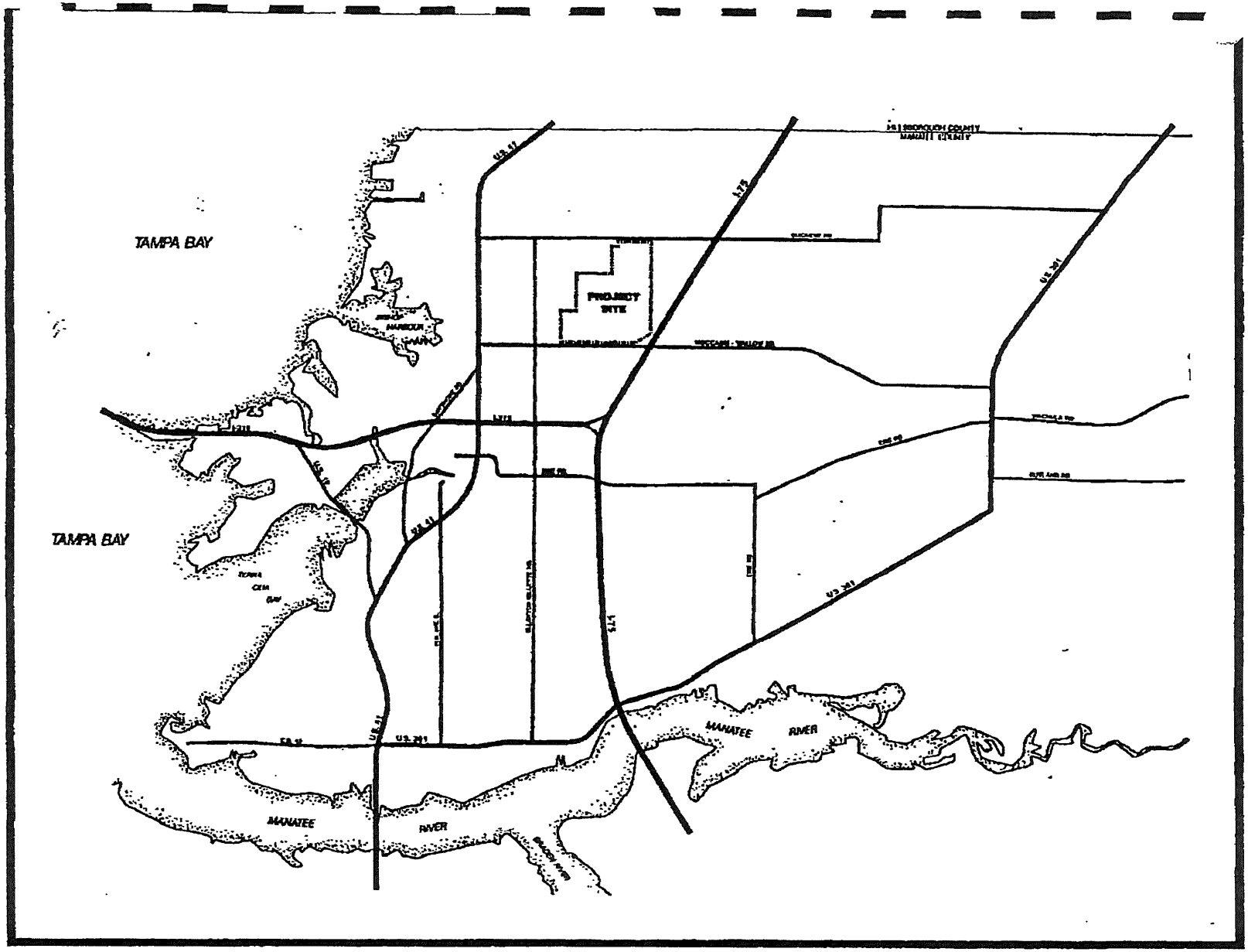


FIGURE 1. GATEWAY NORTH PROJECT LOCATION.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT/APPLICATION FOR DEVELOPMENT APPROVAL.

conditions for protected species; the management techniques to be used to accomplish the objectives; and an outline of a monitoring program which will allow periodic analysis of the success of the management plan. The approvals required by Condition C. (1) of the Development Order are also requested.

2.0 SITE CHARACTERISTICS

The Gateway North site exhibits extensive improvements for agriculture including conversion to citrus groves (437 acres), pasture (299 acres), fallow crop land (34 acres) and fish farming (5 acres). The dominant natural systems include freshwater marsh and wet prairie wetlands (100 acres), mixed hardwood wetlands (44 acres), pine-mesic oak upland forests (30 acres), and disturbed mixed hardwood wetlands (28 acres). **Figure 2**, prepared for the Gateway North DRI Application for Development Approval (DRI/ADA) (Dames and Moore, 1990), identifies the extent and configuration of the various habitat types and land uses on the site. The acreage of the various habitat types or land uses, as categorized by the Florida Land Use, Cover and Forms Classification System (Department of Transportation, 1985) is provided in **Table 1**.

3.0 DISTRIBUTION AND ABUNDANCE OF PROTECTED SPECIES

The methodology presented below generally outlines the field procedures and evaluations used to identify and confirm the presence of animal species listed by the Florida Game and Freshwater Fish Commission (FGFWFC) and/or the U. S. Fish and Wildlife Service (USFWS) and plant species listed by the USFWS. The DRI/ADA wildlife sampling program was conducted in general accordance with the Florida Game and

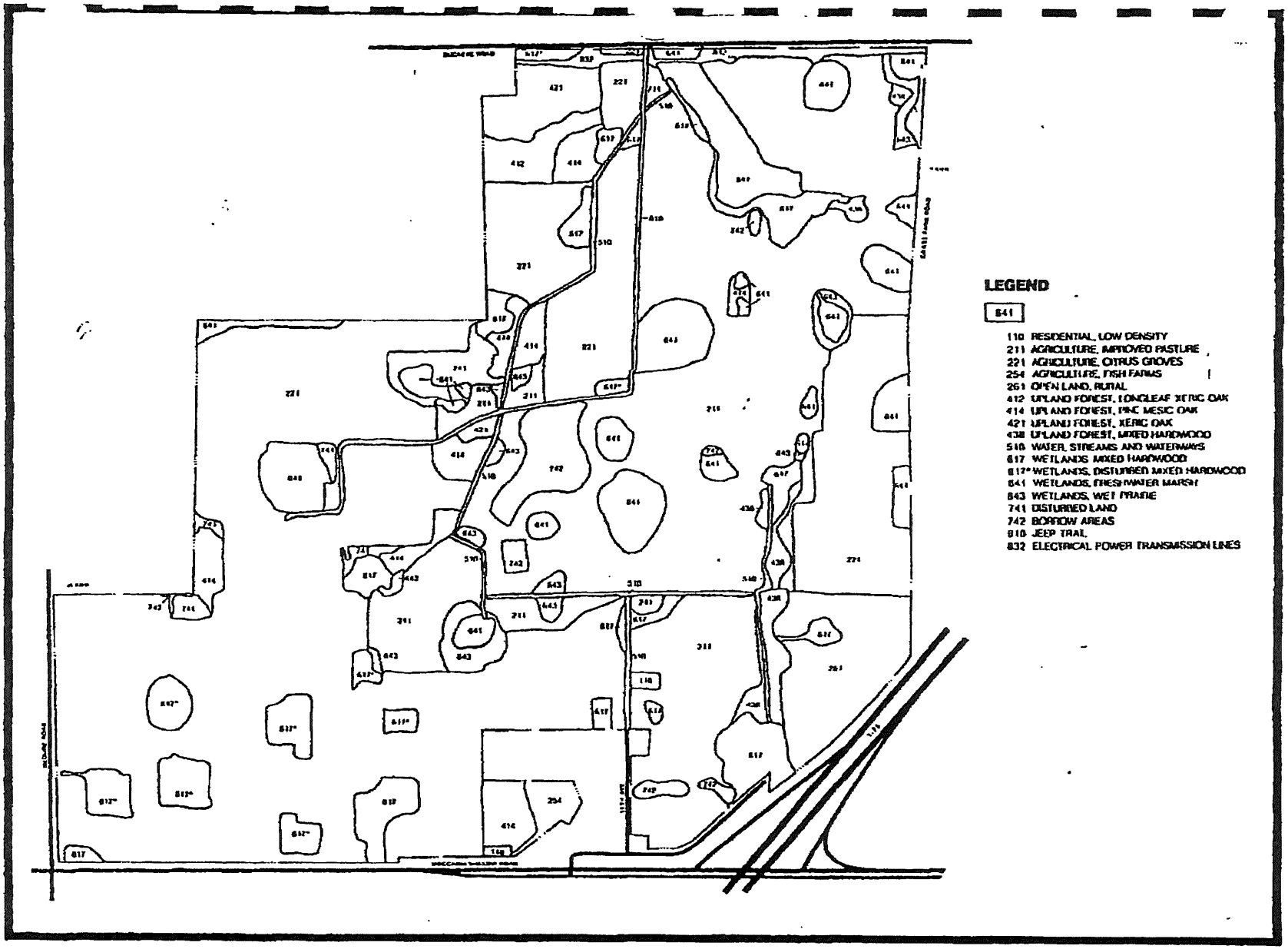


FIGURE 2. GATEWAY NORTH LAND USE AND EXISTING VEGETATIVE ASSOCIATIONS.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT/APPLICATION FOR DEVELOPMENT APPROVAL.

TABLE 1. EXISTING LAND USE AND COVER CLASSIFICATIONS FOR THE GATEWAY NORTH SITE

Cover	Description	Acreage	% of Total Acreage
110	Residential, Low Density	1.7	0.2
211	Improved Pastures	298.8	27.9
221	Agricultural, Citrus Groves	437.1	40.9
254	Agricultural, Fish Farms	5.1	0.5
261	Open Land, Rural	33.9	3.2
412	Longleaf Pine-Xeric Oak	9.0	0.8
419	Pine-Mesic Oak	29.5	2.8
421	Xeric Oak	15.0	1.4
438	Mixed Hardwoods	12.4	1.2
510	Water, Streams & Waterways	9.6	0.9
617	Mixed Hardwood Wetland	44.3	4.1
617*	Disturbed Mixed Hardwood Wetlands	27.5	2.6
641	Freshwater Marsh	83.8	7.8
643	Wet Prairie	15.8	1.5
741	Disturbed Land	12.7	1.2
742	Borrow Areas	18.9	1.8
810	Jeep Trail	6.2	0.6
832	Electrical Power Transmission Lines	8.5	0.8
		1,069.8	**100.0**

Source: Gateway North Development of Regional Impact Application for Development Approval. September 1990.

Fresh Water Fish Commission's Wildlife Methodology Guidelines (FGFWFC, 1988). As described in the DRI/ADA (Dames and Moore, 1990).

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

3.1 Wetland Surveys

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

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

3.2 Upland Surveys

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

Because vegetative mapping indicated that potential Gopher Tortoise habitat occurred on site, the presence of Gopher Tortoise habitats was determined using pedestrian transect surveys through these habitat areas (**Figure 3**). The status of each burrow was recorded according to the following criteria: active - obvious tortoise tracks or shell scraping signs at the burrow entrance; inactive - no tracks or shell scrapings; burrow un-occluded by debris, but recent use apparent; abandoned - burrow covered with sticks, weeds, grass, burrow collapsed or dilapidated. A Gopher Tortoise population estimate was calculated according to methodology described by Auffenberg and Franz (1982).

3.3 Results

Six bird species observed on the site are listed by the FGFWFC and/or the USFWS; Wood Stork, Florida Sandhill Crane, Little Blue Heron, Tri-colored Heron, Snowy Egret, and Roseate Spoonbill. The Wood Stork is listed as Endangered by the FGFWFC and USFWS, the Florida Sandhill Crane is listed as Threatened by the FGFWFC, but is unlisted by the USFWS, and the Little Blue Heron, Tri-colored Heron, Snowy Egret and Roseate Spoonbill are all listed as Species of Special Concern by the FGFWFC and unlisted by the USFWS.

No endangered or threatened mammal, reptile, or amphibian species were observed on the site. However, one reptile, the Gopher Tortoise, and one mammal, the Sherman's Fox Squirrel, found on the site are listed as Species of Special Concern by the FGFWFC. A list of protected wildlife species observed on the site is provided in **Table 2** and sighting locations are depicted on **Figure 4**.

No plant species listed by the U.S. Fish and Wildlife Service were found on the site.

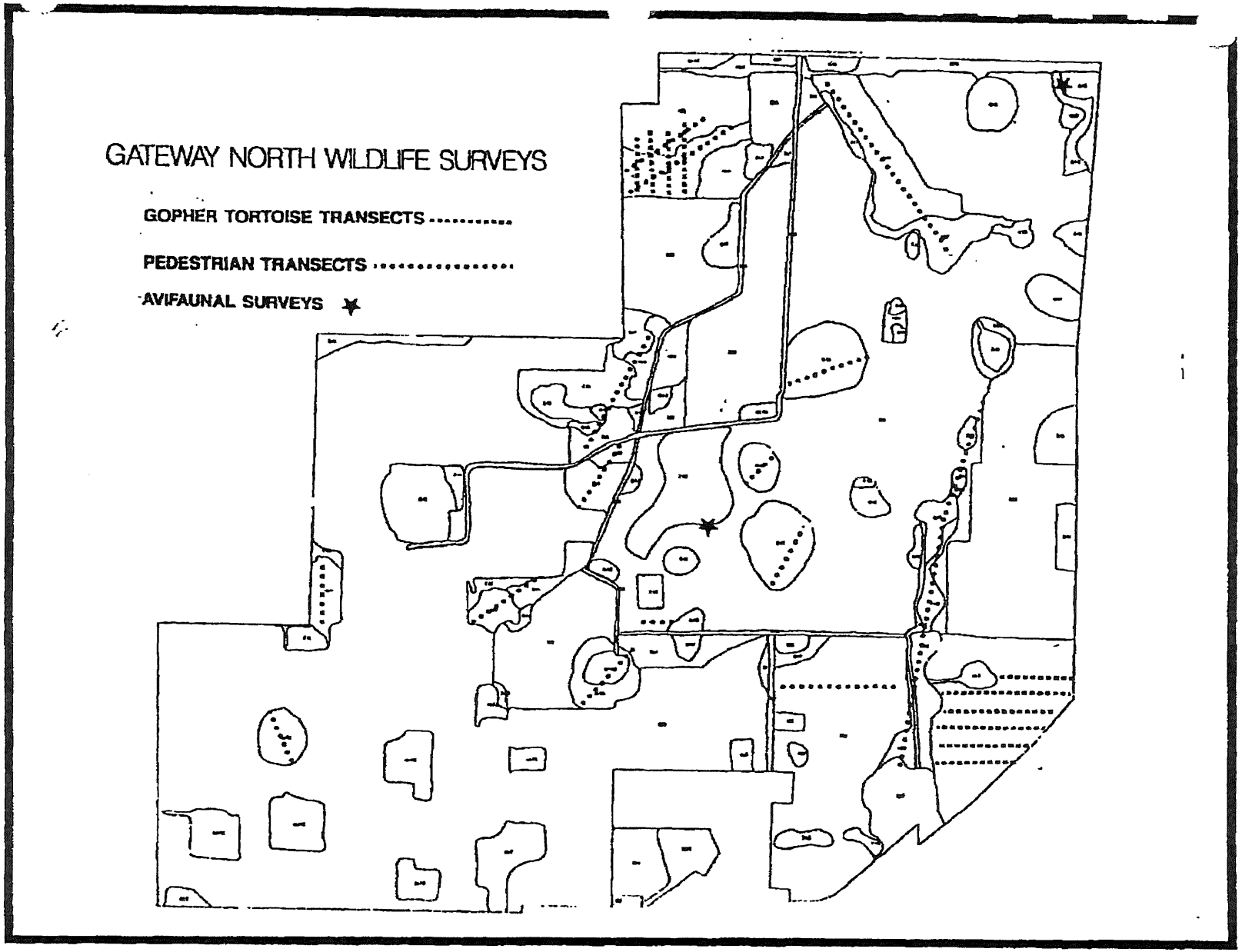


FIGURE 3. GATEWAY NORTH WILDLIFE SURVEYS.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY RESPONSE.

TABLE 2. PROTECTED WILDLIFE OBSERVED ON THE GATEWAY NORTH SITE

SPECIES	STATUS
Birds	
Wood Stork (*Mycteria americana*)	Endangered (FGFWFC[1], USFWS[2])
Florida Sandhill Crane (*Grus canadensis pratensis*)	Threatened (FGFWFC)
Little Blue Heron (*Egretta caerulea*)	Species of Special Concern (FGFWFC)
Snowy Egret (*E. thula*)	Species of Special Concern (FGFWFC)
Tri-colored Heron (*E. tricolor*)	Species of Special Concern (FGFWFC)
Roseate Spoonbill (*Ajaia ajaja*)	Species of Special Concern (FGFWFC)
Reptiles	
Gopher Tortoise (*Gopherus polyphemus*)	Species of Special Concern (FGFWFC)
Mammals	
Sherman's Fox Squirrel (*Sciurus niger shermani*)	Species of Special Concern (FGFWFC)

[1]Florida Game and Fresh Water Fish Commission (Section 39-27.03-05, Florida Administrative Code).

[2]U.S. Fish and Wildlife Service (50 CFR 17.11).

Source: Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida. November 1, 1992.

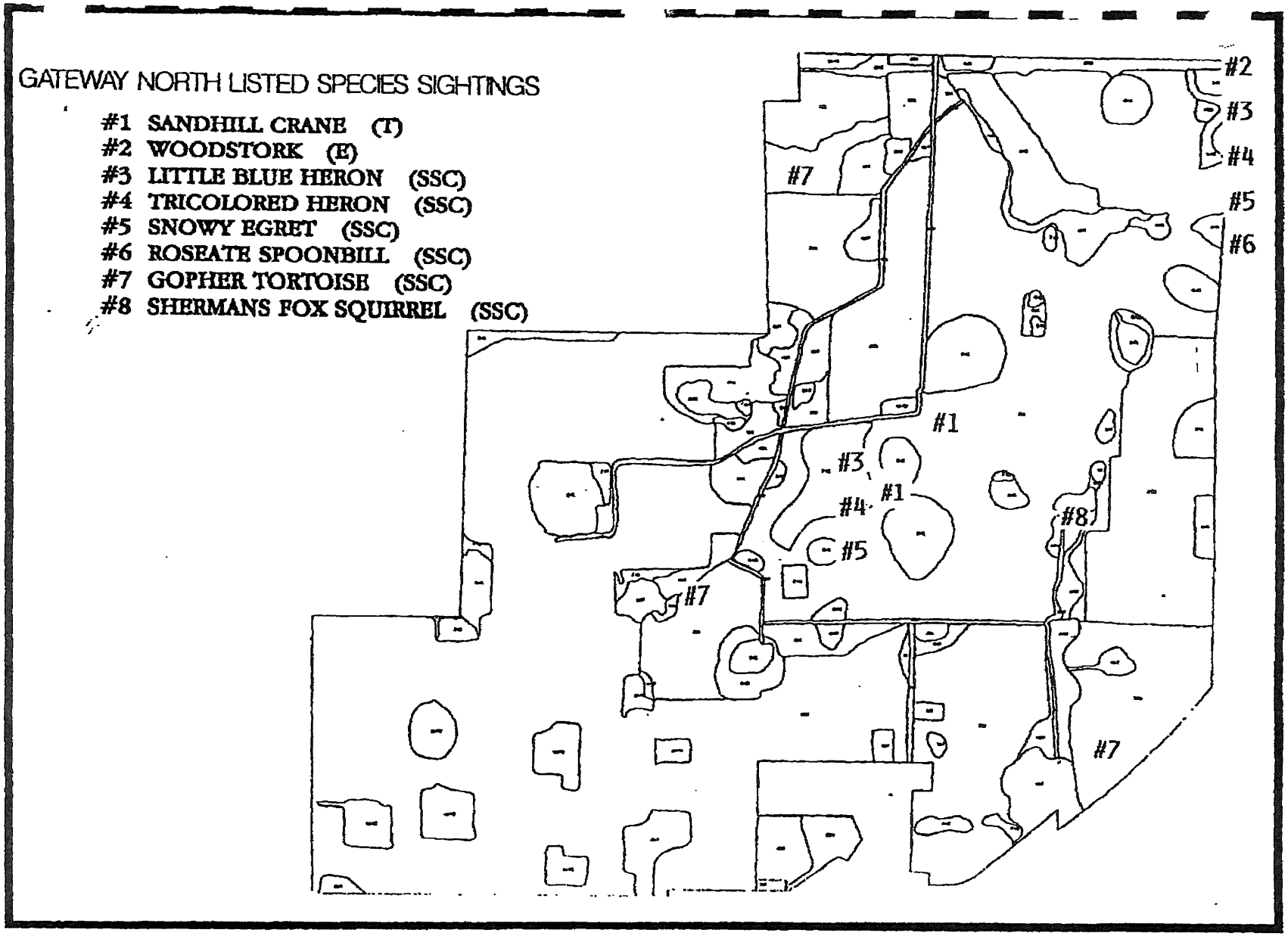


FIGURE 4. GATEWAY NORTH LISTED SPECIES SIGHTINGS.

SOURCE: GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY RESPONSE.

Wood Stork (Endangered): Wood Storks were observed feeding in one wetland on the site. These birds sometimes prefer to wade in shallow water where they feed primarily on fish and will frequent water filled ditches and shallow ponds. It is likely that this species seasonally utilizes the wetland resources on site for feeding. Wood Storks typically nest in large colonies, usually in cypress trees. Suitable nest area is not expectedly available on site and no nesting was observed.

Florida Sandhill Crane (Threatened): Florida Sandhill Cranes have been observed within the improved pasture near the large central freshwater marsh. Two adults and two young were observed in May 1990. No nests were observed during the surveys and no documentation of Florida Sandhill Crane nesting on site is available. The adult and young cranes observed in May 1990 may have nested elsewhere but feed on the site. The cranes observed are believed to be the Threatened Florida Sandhill Crane subspecies because of the presence of chicks.

Little Blue Heron, Tri-colored Heron, Snowy Egret, and Roseate Spoonbill (Species of Special Concern): These wading birds were not observed nesting on the site but were observed perching and wading within wetlands and the open water bodies.

Gopher Tortoise (Species of Special Concern): The survey of Gopher Tortoise habitat discovered two disjunct tortoise colonies and two isolated burrows. The first colony contained 11 active and 6 abandoned burrows in the longleaf pine/xeric oak habitat (FLUCFCS code 412) in the northwest corner of the parcel. Approximately 4 acres of the habitat had sufficiently thin understory to be acceptable to tortoises. The second colony contained 9 active and 1 abandoned burrows in improved pasture (FLUCFCS

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

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

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

4.0 HABITAT CONSERVATION AND MANAGEMENT

The Gateway North development plan sets aside over 431 acres of habitat (Table 3). Both upland and wetland habitats will be preserved and additional wetland habitats will be created as compensation for impacts to wetlands and as open water bodies (Figure 5). Specific requirements of the protected species found on site are addressed below.

4.1 Wading Birds

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

TABLE 3. WILDLIFE HABITAT PRESERVED AND CREATED, GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT.

	Acres
NATIVE HABITAT	
Upland	
Park	
Upland Forest, Xeric Oak (421)	12.7
Upland Forest, Longleaf Pine/Xeric Oak (412)	8.1
Upland Forest, Pine Mesic Oak (414)	3.5
Wetland Buffers	*
Wetland	155.9
Total Native Habitat (excluding wetland buffers)	**> 180.2**
CREATED HABITAT	
Wetland	
Mitigation	26.5
Lake	72.9
Stormwater Lakes	151.6
Total Created Habitat (excluding wetland buffer)	**251.0**
Total Habitat Preserved and Created	**> 431.2**

* To be determined.

protected by providing sufficient wetland and open water habitat. Both wetland and open water habitats will receive net area increases in acreage.

These species will be accommodated by 155.9 acres of preserved wetland habitat, 26.5 acres of mitigation wetlands, and 224.5 acres of lake and stormwater ponds for foraging. In addition to the wetland acreage, a thirty-foot wide upland buffer will be maintained around preserved and created wetlands. Although there is no documentation that any of these species utilize the site for nesting, one of the proposed mitigation areas has been designed to replace sandhill crane nesting habitat which would be impacted by creation of the 72.9 acre lake. This mitigation area, which was required in the permit for the lake, is provided for recreation east of the lake and is expected to exceed the quality of the currently available nesting habitat for Florida Sandhill Cranes. This mitigation area was designed based upon FGFWFC Sandhill Crane Nesting Site Criteria.

4.2 Sherman's Fox Squirrel

The area where the Sherman's Fox Squirrel was observed on the site is upland forest/mixed hardwood (438) adjacent to mixed hardwood wetland (617). The preservation of this wetland and its associated upland buffer of mixed hardwoods habitat is expected to provide sufficient habitat for this species. This species may utilize the pine mesic oak habitat (414) to be preserved with the park/habitat preserve, as well.

4.3 Gopher Tortoise

The protection of the Gopher Tortoise on site will be accomplished through preservation, maintenance and management as appropriate, of a 24.3 acre upland park/habitat

preserve in the northwest corner of the project. A colony of tortoise currently resides in this area. The park is comprised of three upland land use types: xeric oak forest (421) (~12.7 acres), longleaf pine/xeric oak forest (412) (~8.1 acres), and pine mesic oak forest (414) (~3.5 acres). In accordance with the Development Order requirements, the upland park/habitat preserve will be conveyed to Manatee County prior to future development approvals.

The acreage of tortoise habitat and the number of individuals on site does not meet the threshold for habitat protection as discussed in "Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida" (Cox, *et al.*, 1987). However, the proposed protection of the entire four (4) acres (44%) of occupied longleaf pine/xeric oak forest on site exceeds the 25% (2.25 acres) protection guideline for the nine acres (4 acres of pine/oak plus 5 acres of improved pasture)of occupied habitat occurring on the property. The proposed park/habitat preserve area, therefore satisfies the guidelines for the habitat protection option for obtaining a gopher tortoise "taking" permit (Hartman, 1992).

4.4 Habitat Management Techniques

The primary objective of management is to maintain native plant community characteristics which fulfill the habitat requirements of the protected species found on the site. No active management is proposed for preserved wetlands and wetland buffers. The wetland areas will be maintained by designing the project's surface water management system to maintain wetland hydroperiods.

Created wetlands will be maintained as required by the appropriate wetland regulatory agencies. Typical management includes removal of exotic and nuisance vegetation and replanting if the survival rate is unacceptably low. In addition, thirty foot wide upland buffers will be provided around created wetlands.

Both natural and created wetlands, with their associated buffers, will be recorded as conservation easements at the time of platting. As such, they will be subject to the protection afforded such areas by Manatee County regulations.

4.4.1 Park Site

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

Techniques that shall be employed as appropriate to enhance and maintain the park area consist of mechanical treatment alone or in combination with prescribed burning. Because of the existing overgrown vegetative character of the park site and thick leaf litter layer (0 - 9"), an initial mechanical treatment could reduce the fuel load and make possible a prescribed burning plan. Prescribed burning could effectively lower the available fuel quantity, but is recommended only if it can be done in a manner that is safe and does not cause irreparable harm to the canopy. However, if in the future

controlled burning is deemed inappropriate because of smoke or fire safety concerns, mechanical treatment should provide satisfactory results for continuance and improvement of the tortoise habitat.

4.4.1.1 Prescribed Burning

Fire plays a major role in native communities such as the xeric oak, longleaf pine/xeric oak, and pine/mesic oak upland forests on the site. Fire is the dominant controlling agent of succession. Controlled burns have been successfully conducted in upland forests to prevent the buildup of ground fuel, which reduces the chance of catastrophic wildfires, and to release the nutrients bound in the organic material. Fire controls the hardwoods, allowing for regeneration of the forest.

In the absence of fire, the upland forest vegetation continually increases in height and cover, eventually eliminating all open spaces, causing a decrease in wildlife species dependent on herbaceous ground cover such as Gopher Tortoises (Cox, *et al.*, 1987). Burning stimulates an increase in the quantity and quality of many herbaceous plants that are important wildlife foods and creates openings in the canopy that will allow sunlight to penetrate to the ground. Saw palmetto can cover upland forest habitats to the exclusion of other species if not controlled. Fire controls saw palmetto, opening the canopy and allowing an increase in herbaceous species. Based on the condition of the park site, it appears that fire has been absent for some time.

Historically, summer fires initiated by lightning strikes during thunderstorms were common. Although summer burning is more consistent with the natural regime, adjustments to the season of burn may be altered to coincide with the mechanical

treatment techniques scheduled during periods of reduced Gopher Tortoise activity (See 4.4.1.2 below). Adjustments to the burning schedule may also be made based upon the results of vegetative monitoring.

All burning will be conducted by an experienced and licensed control-burn contractor. The burn plan will adhere to applicable regulatory guidelines and will be coordinated with the appropriate Manatee County Fire District and the State of Florida Division of Forestry. The burn plan will consider the following applicable criteria in determining the most appropriate weather and site conditions:

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

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

4.4.1.2 Mechanical Treatment and Light Burn

Mechanical treatment may include mowing, roller chopping, and web plowing. This treatment may suppress the encroachment of woody perennials in an effort to open the shrub layer and create more sandy and grassy areas. Mechanical treatment may be used to precede an initial burn to remove fuel.

All three mechanical treatment practices will be conducted only during periods of reduced Gopher Tortoise mobility, *i.e.*, when daytime temperatures are below 70°F (12°C) and between October and February to minimize disruption of courtship and reproductive activities of Gopher Tortoises.

When mechanical treatment is utilized as the method of management, a light burn will follow contingent upon approval from appropriate authorities.

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

4.4.1.3 Management Schedule

Initiation of active management of the park will precede or be concurrent with commencement of the development. The park will be burned (or mechanically treated) on a six-year cycle to suppress succession of ground cover in the upland forest.

5.0 MONITORING

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

5.1 Vegetative Monitoring

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

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

1) The average height of saw palmettos;
2) The cover of canopy (*i.e.*, with a dbh greater than 4") trees;
3) The cover of herbaceous vegetation less than six inches tall and bare ground.

A baseline survey of the three habitat types will also be conducted prior to initiation of management. Success evaluation monitoring will be performed in the spring following summer period burning or mechanical treatment, if applicable. Results of monitoring will be submitted to Manatee County and the FGFWFC within 60 days of the monitoring event. The park will be monitored again after six years.

6.0 ASSURANCE OF HABITAT PRESERVATION, MANAGEMENT AND MONITORING

Preservation and maintenance of wetland habitat and adjacent buffers will be assured through the Manatee County development approval process and conditions in

subsequent wetland permits. Wetland protection is also assured through the requirements of the project's Development Order.

Prior to further development approvals for the project site, the developer will transfer ownership of the park to Manatee County. The County will then assume all preservation, management and monitoring responsibilities and will become the responsible entity.

7.0 PROVISION AND ACCEPTANCE

7.1 Manatee County/Environmental Action Commission

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

7.2 Florida Game and Fresh Water Fish Commission

With issuance of a letter of acceptance, a letter of no objection, or other written instrument indicating approval of the Gateway North Wildlife Management Plan, the Florida Game and Fresh Water Fish Commission certifies that the park/habitat preserve site identified in this plan provides adequate habitat protection for the Gopher Tortoise as required by Ch. 39-27.002(4) F.A.C. and agrees that upon written request of the owner, the Executive Director will grant such permits and/or approvals without time limitations as may be necessary to provide for the incidental taking of Gopher Tortoise on the remainder of the Gateway North DRI site.

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Exhibit 8

GATEWAY NORTH

Affordable Housing Analysis

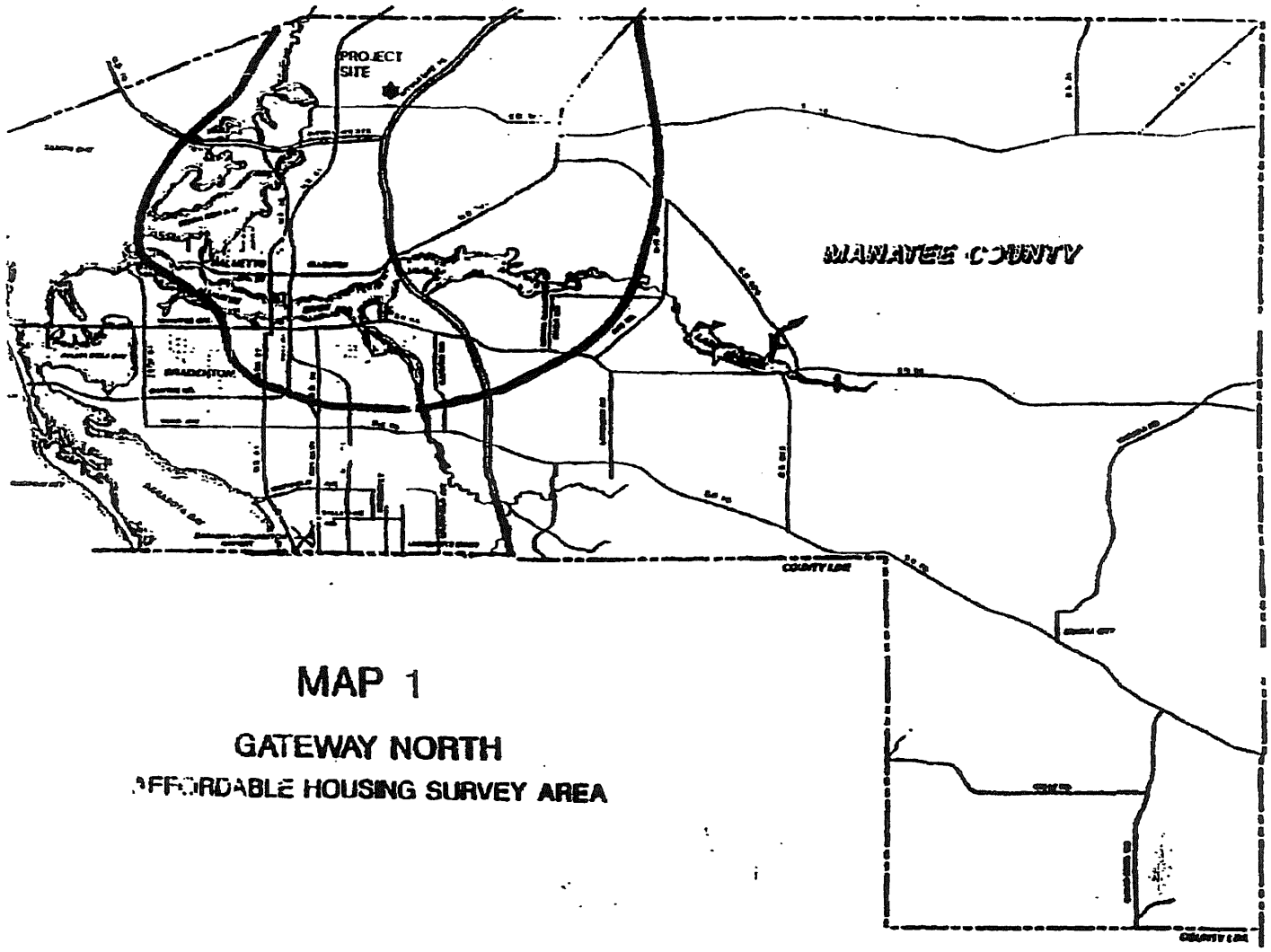
Prepared for:

MAGNOLIA MANAGEMENT CORP.

Prepared by:

DAMES & MOORE

August, 1991



MAP 1

GATEWAY NORTH

AFFORDABLE HOUSING SURVEY AREA

TABLE 2 - GATEWAY NORTH

ESTIMATE OF 1991 AFFORDABLE HOUSING INCOME LIMITS FOR 4-PERSON HOUSEHOLD, BRADENTON MSA

Annual Income Limits 4.0 PPH	
Median	$33,100 [1]
Low	$26,480 [2]
Very Low	$16,550 [3]

NOTES:

1. 1991 median income provided by HUD, 2/19/91.
2. Low income limits established by HUD at 80% of median
3. Very low income limit established by HUD at 50% of median.

TABLE 3 - GATEWAY NORTH

PROJECTED PERMANENT EMPLOYMENT
(By Category and Phase)

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

Source: Dames & Moore, July 1991

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

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

TABLE 5 - GATEWAY NORTH

HOUSING PRICES BASED ON MONTHLY PAYMENT ABILITY

Income Status	Monthly Payment	Taxes Insurance	Net payment	Interest Rate	Term (Yrs)	Home Price
Very Low	$412.5	36.1	376.4	10.0%	30	$42,500
Low	$661.9	76.9	585.0	10.0%	30	$66,000

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

Source: Fishkind & Associates, Inc.

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

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

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

TABLE 7 - GATEWAY NORTH

ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY
GATEWAY NORTH SURVEY AREA

Monthly Housing Cost	# Units Available Annually		
	For Sale [1]	For Rent [2]	Total
Very Low $0 - $377	106	60	166
Low $378 - $662	294	42	336
TOTAL:	400	102	502

Source: Daines & Moore, July, 1991

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

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

Artisan Lakes NOPC
Proportionate Share Roadway Cost Calculations
(September 2010)

PROPORTIONATE SHARE TABLE FOR PHASE I

Location	Improvement	Cost	Estimated ROW Cost*	Project Percent Impact	Project Proportionate Share
US 41 @ Buckeye	Signalize when warranted	$382,714		25.3%	$96,827
	Add 1 WB Left-turn lane	$116,475		25.3%	$29,468
	Add WB LT Transition	$119,272		25.3%	$30,176
Buckeye Road @ Artisan Lakes Parkway	Signalize when warranted	$382,714		44.7%	$171,073
	Add EB right-turn lane	$284,868	$85,460	44.7%	$165,537
	Add WB Left-turn lane	$116,475	$34,943	44.7%	$67,684
	Add WB LT Transition	$119,272	$35,782	44.7%	$69,309
US 41 @ Moccasin Wallow Road	Signalize when warranted	$382,714		27.6%	$105,629
	Add 2 WB left-turn lanes	$232,950	$69,885	27.6%	$83,582
	Add LT Transition for 2 WB LT	$477,088	$143,126	27.6%	$171,179
US 41 @ I-275 NB	Signalize when warranted	$382,714		30.6%	$117,110
	Add 1 WB Left-turn lane	$116,475		30.6%	$35,641
US 41 @ I-275 SB	Signalize when warranted	$382,714		24.1%	$92,234
US 41 @ 73rd Street East (Erie Road	Modify Signal	$65,000		13.5%	$8,775
	Add 1 WB Left-turn lane	$116,475	$34,943	13.5%	$20,441
	Add LT Transition	$238,544	$71,563	13.5%	$41,864
	Add 1 WB Right-turn lane	$284,868	$85,460	13.5%	$49,994
	Add 1 SB Left-turn lane	$116,475		13.5%	$15,724
	Add SB Left-turn receiving lane	$372,725	$111,817	13.5%	$65,413
US 41 @ 49th Street East	Add 1 WB Left-turn lane	$116,475		12.6%	$14,676
	Add WB LT Transition	$119,272		12.6%	$15,028
	Add 1 EB Left-turn lane	$116,475		12.6%	$14,676
	Add EB LT Transition	$119,272		12.6%	$15,028
	Add 1 EB Right-turn lane	$284,868		12.6%	$35,893
	Add 1 WB Right-turn lane	$284,868		12.6%	$35,893
	Signalize when warranted	$382,714		41.9%	$160,357

Exhibit "9"

Artisan Lakes NOPC
Proportionate Share Roadway Cost Calculations
(September 2010)

Moccasin Wallow Road @ Bud Rhoden/Ellenton-Gillette Road	Add 1 SB Left-turn lane	$116,475		41.9%	$48,803
	Add SB LT Transition	$119,272		41.9%	$49,975
	Add 1 SB Right-turn lane	$284,868		41.9%	$119,360
	Add 1 NB Left-turn lane	$116,475		41.9%	$48,803
	Add NB LT Transition	$119,272		41.9%	$49,975
	Add 1 NB Right-turn lane	$284,868	$85,460	41.9%	$155,167
	Other improvements are included in Moccasin Wallow widening	N/A			N/A
Moccasin Wallow Road @ Artisan Lakes Parkway	Signalize when warranted	$404,472		52.0%	$210,325
	Add 1 EB Left-turn lane	$232,950		52.0%	$121,134
	Add EB LT Transition	$372,725		52.0%	$193,817
Moccasin Wallow Road @ Gateway/Keystone Ranch	Signalize when warranted	$382,714		50.5%	$193,271
	Add 1 SB Left-turn lane	N/A - Site Improvement			N/A - Site Improvement
Moccasin Wallow Road @ Frontage/Gillette	Signalize when warranted	$382,714		55.8%	$213,554
	Add 2 SB Left-turn lanes	$232,950		55.8%	$129,986
	Add 1 WB Right-turn lane	$284,868		55.8%	$158,956
	Extend EB Left-turn lane 320 feet	$68,811		55.8%	$38,397
Moccasin Wallow @ I-75 NB	Signalize when warranted	$382,714		33.6%	$128,592
Moccasin Wallow @ I-75 SB	Signalize when warranted	$382,714		41.3%	$158,061
Moccasin Wallow @ US 301	Signalize when warranted	$360,955		12.7%	$45,841
	Add 1 EB Left-turn lane	$116,475	$34,943	12.7%	$19,230
	Add EB LT Transition	$119,272	$35,782	12.7%	$19,692
Ellenton-Gillette @ 73rd Street East/69th Street East	Modify Signal	$275,000		30.5%	$83,875
	Add 1 SB Left-turn lane	$116,475		30.5%	$35,525
	Add SB LT Transition	$119,272		30.5%	$36,378
	Add 1 SB Right-turn lane	$284,868		30.5%	$86,885
	Add 1 EB Left-turn lane	$116,475		30.5%	$35,525
	Add EB LT Transition	$119,272		30.5%	$36,378
	Add 1 EB Through and Receiving lane	$745,450		30.5%	$227,362
	Add 1 EB Right-turn lane	$284,868		30.5%	$86,885

Artisan Lakes NOPC
Proportionate Share Roadway Cost Calculations
(September 2010)

	Add 1 NB Left-turn lane	$116,475		30.5%	$35,525
	Add NB LT Transition	$119,272		30.5%	$36,378
	Add 1 NB Right-turn lane	$284,868		30.5%	$86,885
Ellenton-Gillette @ Mendoza	Signalize when warranted	$360,955		27.8%	$100,345
	Add 1 NB Left-turn lane	$116,475		27.8%	$32,380
	Add NB LT Transition	$119,272		27.8%	$33,158
	Add 1 NB Right-turn lane	$284,868	$85,460	27.8%	$102,951
	Add 1 SB Left-turn lane	$116,475		27.8%	$32,380
	Add SB LT Transition	$119,272		27.8%	$33,158
	Add 1 WB Right-turn lane	$284,868	$85,460	27.8%	$102,951
Moccasin Wallow Road from 1/4-mile west of Ellenton Gillette to existing 4-lane section	Widen to 4-lanes	$4,444,027	$172,027	80.8%	$3,729,771
Artisan Lakes Parkway from Moccasin Wallow to Drive #1	Construct 4-lane divided roadway	N/A - Site Improvement			N/A - Site Improvement
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Construct 2-lane divided roadway	N/A - Site Improvement			N/A - Site Improvement
Artisan Lakes Parkway from Drive #1 to Buckeye Road	Additional 2-lanes to create 4-lane divided roadway	$2,606,679	$219,538	64.3%	$1,817,258

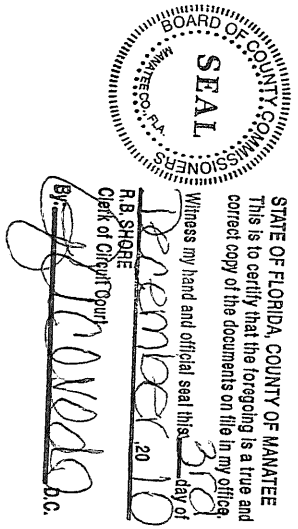
Total **$10,604,103**

ROW Cost for ALP based on 1991 Impact Fee Credit Agreement valuation of 19,958 per acre for 11 acres. Other ROW cost estimates use Manatee County 30% of construction cost factor.

Location	cost/mile	length (miles)	# of units	cost	Design (15%)	CEI (15%)
MW widening	$2,293,691.25	1.25	1	$2,867,114.06	$430,067.11	$430,067.11
US 41 @ 73rd rcving lane	$2,293,691.25	0.25	0.5	$286,711.41	$43,006.71	$43,006.71
EG @ 73rd through lane	$2,293,691.25	0.5	0.5	$573,422.81	$86,013.42	$86,013.42
Artisan Lakes Pkwy	$515,867.67	1.63	2	$1,681,728.60	$252,259.29	$252,259.29
Left-Turn Transition - Opp LT or T intersection	$2,293,691.25	0.08	0.5	$91,747.65	$13,762.15	$13,762.15

Artisan Lakes NOPC
Proportionate Share Roadway Cost Calculations
(September 2010)

Left-Turn Transition - No Opp.						
LT	$2,293,691.25	0.16	0.5	$183,495.30	$27,524.30	$27,524.30
MW @ ALP EB Left Trans.	$2,293,691.25	0.25	0.5	$286,711.41	$43,006.71	$43,006.71
Extend EB Left Turn Lane	$2,293,691.25	0.06	0.5	$68,811	$10,321.61	$10,321.61



#218

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0520 0015 6095 8488

September 10, 2008

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

Re: Development Order for Gateway North DRI #21

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 08-58, the DRI Development Order for Gateway North DRI #21, as adopted in open session by the Manatee County Board of County Commissioners on August 7, 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

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

P.O. Box 1000 • Bradenton, Florida 34206-1000

FILED FOR RECORD
R. B. SHORE
2008 AUG 25 PM 1:32
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE 08-58

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 92-30, AS AMENDED BY ORDINANCES 93-49, 97-62, AND 05-17) ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; APPROVING A NOTICE OF PROPOSED CHANGE TO MODIFY PARCEL ACREAGES, RESIDENTIAL UNITS COUNTS, AND INTERNAL ROAD LAYOUT TO ACCOMMODATE AN ALTERNATIVE SCHOOL SITE ON PARCEL M; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the land development project known as Gateway North, a legal description of which is provided below ("Project"), lies within the unincorporated areas of Manatee County; and

WHEREAS, on April 9, 1992, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 92-30, a development order approving the Gateway North DRI; and

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

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

WHEREAS, on August 26, 1997, the Board of County Commissioners adopted an amended Development Order (Ordinance 97-62) to extend the buildout and commencement dates of the Development Order; and

WHEREAS, on August 23, 2005, the Board of County Commissioners adopted an amended and restated Development Order (Ordinance 05-17) to extend the buildout and

commencement dates of the Development Order and adjust project acreages and land use allocations with the project; and

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

WHEREAS, the Developer filed a NOPC on May 15, 2008 for changes to the Development Order for Gateway North; and

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

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

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

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

WHEREAS, the County* on August 7, 2008 held a duly noticed public hearing on the NOPC and the language proposed by the Developer* to amend and restate Ordinance 05-17, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 7th DAY OF AUGUST, 2008 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #21, ORDINANCE 05-17

Ordinance 05-17 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Gateway North Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Nos. 92-30, 93-49, 97-62, and 05-17) 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 2. FINDINGS OF FACT

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

A. All recitals preceding Section 1 of this Ordinance are adopted as findings of fact.

B. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 8 of this Ordinance as required by Section 380.06, Florida Statutes. The report was rendered on July 10, 2008, following public hearing.

C. The Board of County Commissioners held a public hearings on August 7, 2008 regarding the amendment to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code) and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.

D. The proposed changes to the DRI regarding the property described in Section 8 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments specified in Section 7 of this Development Order.

E. The Developer* of the Project* submitted to Manatee County a NOPC, dated May 15, 2008, which is incorporated herein by reference.

F. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (see Attachment 1).

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

H. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

I. The authorized agents and their address for the Project* is Tom Spence of TW Acquisitions, Inc., 4905 West Laurel St., Suite 100, Tampa, Florida 33607.

J. The owner of the property are TW Acquisitions, Inc. and Property Reserve, Inc., a Utah corporation.

K. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 3. CONCLUSIONS OF LAW:

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

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The 2020 Manatee County Comprehensive Plan, as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on, 2008 regarding this NOPC.

4. 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.

5. The review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

6. Pursuant to Section 380.06(19)3, Florida Statutes, the developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on May 15, 2008 and approved pursuant to Ordinance 08-58, are Substantial Deviations.

SECTION 4. DEVELOPMENT COMPONENTS:

A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service for all services except potable water, has been issued for the land uses listed in Phase 1 as defined in Ordinance PDMU-91-01(G)(R4), Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phase 2, and Phase 3 for land uses and acreage, but shall address only roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. Potable water and sanitary sewer concurrency will be reviewed separately at the time of each Final Site Plan or Construction Plan approval.

TABLE 1
LAND AREA AND USES

Use	Acres	Square Feet	Units	Land Use Exchange Maximum Increase
Mixed Use	130.2	1,803,200		6 acres, or 60,000 sq. ft.
Office	0	960,500		
Office/Warehouse	0	397,500		
Commercial	0	445,200		
Residential *				
Single-family	352.7		1,647	Increase of combined residential dwelling units of 171 dwelling units regardless of type
Multi-Family	59.8		722	

Single-family Attached (Townhouse)	49.3		431	
Lake/Detention	129.3			
School **	20.0			
Park ***	0			
Recreation Center	22.1			
Wetlands****	162.1			
Mitigation*****	0			
Detention	0			
Open Space	57.0			
R.O.W./ Transmission Lines	53.8			
Community Service	1.9			
Totals	1,038.2	1,803,200	2,800	

* Residential acreages may be revised to include 20 additional acres if the school site is not requested by the School Board in accordance with Condition L(1).

** School acreage may be revised to include 13.1 additional acres for an additional school site.

*** The park was dedicated to Manatee County in 1999 and is no longer included the project acreage.

**** Wetland acreage may be revised as wetland limits are verified and approved by the appropriate regulatory authority(ies).

***** Existing wetlands will be restored or enhanced. Specific acreages and locations will be determined during site permitting.

The amounts of the various uses (Residential, Mixed Use, and Office/ Warehouse*) within the Project* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in columns B, C, and, D of Table 1 above, provided that the final Project* meets the following conditions:

a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.

b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: School, recreation center, wetlands, mitigation, detention, open space, and R.O.W. transmission lines.

c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 4A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

Map H Land Use Designation	Phase 1A 2005* 2017	Phase 1B 2005* 2017	Phase 2 2007* 2019	Phase 3 2013* 2022	Totals
Residential Dwelling Units					
Single-Family	1,422	0	0	225	1,647
Townhouse/Attached Villa	368	0	0	63	431
Multi-Family	578	0	144	0	722
Total Residential	**2,368**	**0**	**144**	**288**	**2,800**
Mixed Use					
Commercial (sq. ft.)	200,000	186,000	0	59,200	445,200
Office (sq. ft.)	0	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	70,000	30,000	150,000	147,500	397,500

* The phasing buildout dates shall be February 20th of the years indicated.

C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to

the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan.

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

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

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed, establishing to the satisfaction of the County, that some modification in the ITE rates is appropriate based upon sound traffic engineering principles), the relative proportions of trips produced by attractors, and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County for review and approval, pursuant to Notice of Proposed Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the Development Order. Any departure in project buildout from the phasing schedule

set forth in the application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

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

SECTION 5. DEFINITIONS:

The definitions contained in Chapter 380, Florida Statutes, the Manatee County Comprehensive Plan and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

A. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Exhibits 1 and 2 (Revised Map H and Preservation/Conservation Map, respectively), the NOPC submitted on January 28, 1997, the NOPC submitted on April 12, 2004, and the NOPC submitted on May 15, 2008.

B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

C. "County*" shall mean Manatee County, a political subdivision of the State of Florida.

D. "Developer*" shall mean Property Reserve, Inc., and TW Acquisitions, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.

F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;

2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and

4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

H. "Office/Warehouse*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.

I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map dated 9/30/04 attached as Exhibit 2

J. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 8 herein.

K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida

Game and Freshwater Fish Commission, the County,* and the Environmental Action Commission.

M. "Ambient Water Quality Monitoring Requirements for Development" shall mean the Manatee County Environmental Management Departments Ambient Water Quality Monitoring Requirements for Development document, hereinafter (AWQWR), and attached hereto as Exhibit 4.

SECTION 6. DEVELOPMENT CONDITIONS:

Transportation

A.(1) Access to and from the site shall be in accordance with state and local access regulations and as shown generally on Revised Map H.

A.(2) Provisions shall be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road (Gateway Boulevard) in later phases. This road shall be constructed at the cost of the Developer prior to Development Approval of Phase 1B or 2 in Ordinance PDMU-91-01(G)(R4) or Final Plat or Final Site Plan approval for 1,800 dwelling units. This dedication shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law.

A.(3) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law. **(Completed)**

A.(4) The Developer* shall provide a multi-purpose pedestrian/bicycle trail as part of the roadway design for Gateway Boulevard and the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of the multi-purpose trail as part of the roadway design does not mean the trail itself must be part of the roadway. That is, the trail shall be included in design but may be constructed separately or in separation from the roadway itself. There shall be bicycle and pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.

A.(5) The Developer* shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project*.

A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(7) When Certificates of Occupancy have been issued for 120,000 square feet of commercial space (land use 820 of Trip Generation, Seventh Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that external trips improvement thresholds specified in Table 3 for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

For the section of Moccasin Wallow Road, from I-75 to US 41, annual monitoring shall commence at the same time annual monitoring of external project trips commences per this Development Order (706 net external p.m. peak hour trips).

The results of the annual monitoring studies and a statement that the improvement thresholds have or have not been reached shall be reported in each annual report. In the event that monitoring studies indicate an improvement threshold has been reached, the Developer shall immediately notify Manatee County,

A.(8) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and

appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

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

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

-- Increase urban area peak automobile occupancy rates by 10% by 2000 through expanded ride sharing efforts.

-- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2000.

A.(9) The improvements listed in Table 3 include a critical link and intersection improvements for the development of the Project*. In order to maintain adequate levels of service in the area, the Developer shall comply with one of the following two options:

:

1. For approval of all Phase 1 development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase I of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order, OR alternatively

2. The Developer* may elect to proceed with development of Phase 1 until such time as the first external trip threshold (723 net external project trips) for required improvements as specified in Table 3 is attained, pursuant to the traffic analysis provided as part of the NOPC filed April 12, 2004. Upon attaining the first external trip threshold specified in Table 3 (723 net external project trips), the required improvements for that threshold (i.e., addition of a second NB left-turn lane and signalization at intersection of Moccasin Wallow Road and

the I-75 northbound ramps, and addition of a westbound left-turn lane at the intersection of U.S. 41 and Moccasin Wallow Road) must be under construction or committed for funding in the first year of the FDOT or Manatee County Capital Improvement Program or work program). Further development may proceed only as improvements identified for specific net external trip thresholds as shown in Table 3 are under construction or committed for funding in the first year of the Capital Improvement Program or work program as thresholds are attained.

A.(10) In the event Funding Commitments* for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase described in Table 2, the Developer* shall have the option to submit to the County*, the State, and TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s), and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments* for required transportation improvements. The Developer* shall further submit projections for traffic volumes that will result from the completion of a currently approved Project* construction, plus the volumes to be generated by the next portion of development for which the Developer* is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.

A.(11) Upon reaching the 75% of the improvement threshold for the intersection of I-75 Northbound Off-Ramps with Moccasin Wallow Road (545 net external Project trips), the Developer shall commence monitoring of the operating conditions of the intersections of Moccasin Wallow Road and the I-75 Northbound and Southbound ramps, as well as the I-75 ramps connecting to Moccasin Wallow Road. Should any of these monitored facilities be found to be operating below Level of Service D, further development shall cease until improvements needed to raise the operation of the facilities to Level of Service D are under construction.

A.(12) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.

A(13) The Developer shall provide a paved interneighborhood tie to the east to Stone Dam Preserve at a location mutually determined between the two projects. The road shall be constructed prior to completion of Phase 1A of Zoning Ordinance PDMU-91-01(G)(R4) and shall include traffic calming measures as approved by the Planning and Transportation Departments.

A(14) The Developer shall construct a paved interneighborhood tie to the west for the access point shown on McGuire Road prior to completion of Phase 1A of zoning ordinance PDMU-91-01(G)(R4) development.

A.(15) Prior to development of Phases 2 or 3, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of those phases.

A.(16) The following roadway and intersection improvements shall be required as part of Phase 1. The Developer shall, at the time of each application for Preliminary Site Plan approval, furnish to the County an accurate up to date report of the amount of development, defined in terms of net new external p.m. peak hour trips for each land use category listed in Table 1.

TABLE 3

The following roadway links are determined to be required link improvements for Phase 1 of the Project*; due to the percentage of Project* traffic impacting the roadway and the resulting Level of Service (LOS).

Link	From/To	Improvement	External Trip Threshold	ERUs*
Moccasin Wallow Rd	US 41 to Ellenton Gillette Rd	2LD to 4LD	1,808	2,200
Moccasin Wallow Rd	Ellenton-Gillette Rd to I-75	2LD to 4LD	1,085	1,320
I-75	SR 70 to SR 64	8-lane	2,460	2,993
I-75	SR 64 - US 301	8-lane	1,592	1937
I-75	US 301 to I-275	8-lane or adopt LOS D standard	2,531	3,067

*ERU's. For the purposes of tracking development transportation impacts, the "Equivalent Residential Unit" (ERU) is defined as the amount of development with the equivalent PM peak hour net trip generation of a single family unit. The equivalencies for various land uses are as follows:

One Single-Family Detached Residential Unit = 1.00 ERUs
One Single-Family Attached Residential Unit = 0.58 ERUs
One Multi-Family Residential Unit = 0.71 ERUs
1,000 square feet gross floor area of general commercial = 4.23 ERUs
1,000 square feet of office = 1.99 ERUs
1,000 square feet of office/service center = 0.79 ERUs.

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

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

Roadway	At intersection Access Point #	Improvement	External Trip Threshold	ERUs
Moccasin Wallow Rd	US 41	Signalize when warranted - Add WB left	723	880
Moccasin Wallow Rd	Ellenton-Gillette Rd	Signalize when warranted - Add EB/WB lefts	1,052	1,280
Moccasin Wallow Rd	Gateway Blvd (#1)	Signalize when warranted -Add EB left- Add WB right - Add SB left- Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted.	
Moccasin Wallow Rd	Commercial/Keystone Ranches (#3)	Signalize when warranted - Add EB and WB lefts - Add WB right - Add SB left - Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted*	
Moccasin Wallow Rd	Frontage Rd	Add channelized left- Add WB right - Add SB right	Must be completed at the time of construction of this access point.	
Moccasin Wallow Rd	US 301	Add EB left	2,169	2,639
Moccasin Wallow Rd	I-75 NB ramps	Signalize when warranted - Add NB off ramp dual left	723	880

Moccasin Wallow Rd	I-75 SB ramps	Signalize when warranted	As required by signal warrants

*These improvements will not be required for development of the proposed fire station.

Wetlands

B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy attached hereto as Exhibit 2 shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4).

B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Planning Department, the Department of Environmental Protection (DEP), or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* shall be mitigated in accordance with the Manatee County Land Development Code (LDC Chapter 719, as may be amended) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate

B.(4) Exhibits 2 and 3 attached hereto identifies wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Wetland impacts shown on the referenced table and figure are subject to avoidance and minimization review criteria as required by Comprehensive Plan Policy 3.3.1.1, which shall be demonstrated prior to each Preliminary Site Plan approval. Those wetlands identified to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Exhibits 2 and 3 to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.

B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* for approval, and TBRPC, DEP, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative, and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

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

   a. Identification of existing dry and wet season site conditions;

   b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;

   c. Photographs and 24"X 36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

   d. Narrative descriptions of any proposed wetland restoration activities and related issues;

   e. Estimated costs of wetland mitigation/restoration schemes; and

   f. Mitigation plans shall also include:

      (1) Area and location of plantings;

      (2) Species to be planted and spacing;

      (3) Elevations for plantings;

      (4) Source of plants or mulch;

      (5) Source of wetlands soil and depth proposed; and

      (6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719) or Uniform Mitigation Assessment Method (UMAM-Chapter 62.345 FAC), as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Wetland compensation areas and littoral shelves shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the created wetlands/enhanced wetlands/littoral shelves shall meet or exceed eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the littoral shelves and mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers, buffer restoration, sign requirements, and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Attachment #7).

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).

C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the Planning Department for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.

C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the approved preservation/conservation map (Exhibit 2).

C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or

other species approved by the Planning Department consistent with the provisions of the Manatee County Comprehensive Plan.

C.(6) Any proposal to change upland preservation areas, as shown approximately on Exhibit 2, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;

b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;

c. Limit site work and construction to areas needed for immediate development;

d. Develop asphalt roads as soon as possible;

e. Initiate landscaping before development work is completed on a site;

f. Construct sediment basins at the start of each drainage system phase;

g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and

h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

E.(1) The Developer* shall institute the following procedures to ensure dust control during development of the Project*:

a. Implement a watering program during excavation, and dredge and fill operations;

b. Apply water or chemical stabilization to dirt roads and heavily

traveled primary haul route sections as necessary;

c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;

d. Keep soil stockpiles moist, or treat with soil binders or cover;

e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

f. Remove dust producing materials as soon as possible;

g. Clean (sweep) paved roads adjacent to site as necessary;

h. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;

i. Limit site work and construction to areas needed for immediate development;

j. Develop asphalt roads as soon as possible; and

k. Initiate landscaping before development work is completed on site.

E.(2) Prior to development of Phases 2 or 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

Water Quality and Drainage

F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DEP, SWFWMD, and TBRPC for review and to the County* for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, and the County*, whichever is more stringent; to provide retention, or detention with filtration/ assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this

paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

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

F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and DEP for review, and to the County* for approval, prior to further Development Approvals*.

F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.

F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County*. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, and the County*. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:

1. Pre-construction monitoring:

   a. Sampling shall be initiated at least one year before the start of construction, in accordance with the provisions set forth in the AWQWR (Exhibit 4). It should be noted that baseline water quality monitoring for the development site was implemented in late 1997 and completed in March 1999, according to Manatee County records. A Supplemental Water Quality Monitoring Plan to meet the current or additional requirements referenced in Exhibit 4, is provided as Exhibit 5. This monitoring plan shall be implemented immediately, upon approval, in order to satisfy the one year monitoring requirement, during the pre-

development phase, as specified.

b. Sampling events shall be conducted in accordance with the AWQWR (Exhibit 4). The monitoring frequency and locations for the sampling events are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

2. Construction monitoring:

a. The monitoring of construction activities shall be accomplished with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies shall be initiated and maintained during construction and site development activities. The visual checks shall be conducted by the developer's onsite construction manager, who will maintain a daily log and also conduct weekly construction meetings with the subcontractors, to include discussions on stormwater and sediment control issues. The engineer of record for the project will assign these tasks to a designated onsite manager and will ensure that these tasks are performed accordingly. The Sediment Control Program and engineers documentation as well as the construction managers daytime and emergency contact information shall be provided to the Manatee County Environmental Management Department, prior to startup of site development activities. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the development's Supplemental Water Quality Monitoring Plan, provided as Exhibit 5. Inclusion in this provision will allow the County to design a monitoring program that is site specific but does not provide for a blanket exemption of construction monitoring.

b. Any violation of water quality standards within a drainage basin under construction shall be reported to the County* and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

a. Sampling events shall be conducted quarterly (two wet season and two dry season) and as soon as practicable after each

rainfall event of one inch or greater for at least two years after construction buildout. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the developments Supplemental Water Quality Monitoring Plan, provided as Exhibit I.

b. Any violation of water quality standards within a drainage basin under construction will be reported to the County*, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

c. Participation in a Basin Management Action Plan (BMAP) may be required by the County if a sub-basin of one or more impaired waterbodies, as identified by Chapter 62-303 FAC, is located partially or wholly within the project boundary. The Developer shall participate in a BMAP that is established by the County for an impaired system, partially or wholly within the project boundary, prior to 2010. Any responsibility that the Developer agreed to as part of a specific BMAP shall be passed on to future responsible parties within the development (e.g. homeowner's associations).

4. Monitoring Reports:

a. Monitoring reports shall be submitted to the County* in accordance with the schedule referenced in the AWQWR (Exhibit 4).This monitoring report submittal schedule is included in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

b. An official laboratory report shall also be submitted to the County* as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County*. At a minimum, field and laboratory tests at all sites will include the parameters referenced in the AWQWR (Exhibit 3). The analytical parameters for the sampling sites are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 4.

6. Proposed monitoring and official laboratory analytical methods and report formats shall be approved by the County*.

7. The Developer* will incorporate additional water quality treatment or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

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

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

The applicant submitted a pre-construction groundwater monitoring report in 1998 that represented the water quality conditions, as specified above. On February 13, 2004, the pre-construction groundwater monitoring requirement was considered satisfied by the County.

Prior to site development activities, the applicant will submit an ongoing groundwater monitoring plan to the County, in accordance with AWQWR in order to meet those specific monitoring requirements during construction and post-construction activities.

F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.

F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage or treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

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

Water

H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.

H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility. The Developer* shall submit an acceptable plan to the County* and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.

H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.

H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.

H.(8) Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

H.(9) For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*

I.(2) No additional permanent septic system shall be permitted within the Project*.

I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.

I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.

I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28), which is attached hereto as Attachment 6.

I.(6) The Developer* shall implement a wastewater reuse system when feasible.

Solid Waste

J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled, or transported. The results of such a tenant questionnaire shall be included in each Annual Report.

J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, DEP, and TBRPC, and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:

a. Advise of applicable statutes and regulations regarding

hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;

c. Describe generally improper disposal methods;

d. Describe generally appropriate disposal methods;

e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;

f. Describe a program to inform owners and tenants of the information contained in the plan;

g. Describe construction requirements for hazardous waste holding areas;

h. Describe typical spill clean up methods; and

i. Be updated and distributed to each non-residential land user annually.

J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.

J.(4) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permittable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

K.(1) The Project shall contain, at a minimum, 348.4 acres of open space (approximately162.1 acres of wetlands, 129.3 acres of lakes, and 57.0 acres of open space) in addition to approximately 22.1 acres committed to recreation as shown on Exhibit 6. Recreation areas within the Project shall be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (22.1 acres with facilities) shall be shall be completed prior to buildout of Phase 1A residential units. (The 24.3 acre park site has been dedicated to Manatee County).

K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.

K.(3) All recreation, park, and wetland sites, as shown on Revised Map H, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.

K.(4) The Project's parks and recreational facilities shall be accessible to the elderly, the handicapped.

Education

L.(1) The Developer shall dedicate to the Manatee County School Board usable land for one elementary school site of at least 20 acres in size. This land shall be available to the School Board at any time upon request. At the time of the school site dedication to the School Board, the Developer shall dedicate to the County road right-of-way access to Buckeye Road, as shown on the General Development Plan. An internal public road from the school site to Buckeye Road, providing at least two driveway connections to the school site and designed to County standards, shall be constructed to the school site at Developer's expense, in a location agreeable to the School Board and Manatee County. Additionally, connections for potable water and sanitary sewer sized to serve an 823 seat elementary school shall also be provided to the boundary of the school site by the Developer at Developer's expense. Within 90 days after receipt of notice from the School Board Superintendent, the Developer shall submit construction plans for the road to Manatee County and SWFWMD for review and approval. The Developer shall diligently pursue the engineering design and permitting of said construction. The Developer shall complete construction of this road within nine (9) months after receipt of all required permits. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal

agreement with the County for joint use of the recreational areas. The Project's Master Stormwater Plan shall provide for the school site's stormwater retention needs. The Developer shall be entitled to school impact fee credit as allowed for by County impact fee regulations for all acreage dedicated or conveyed to the Manatee County School Board for the elementary school site. The value of the school site shall be determined based upon the purchase price for the acreage by the Developer, but in no event shall exceed the average of two appraisals obtained by the School Board at the time of conveyance. The Developer* shall give the School Board written notice of the date the infrastructure adjacent to the 20 acre school site and construction of a minimum of 750 dwelling units is completed. If the School Board has not requested the dedication of the school site within 3 years of completion of infrastructure adjacent to the 20 acre school site and construction of a minimum of 750 dwelling units, the Developer* will give notice to the School Board, requesting that the School Board determine, within 6 month of this notice, the need for and timing of the school. If the School Board determines that the school site is not needed, the 20 acre school site will become available to the Developer* for residential development, or a public school, a public charter school, or a private school.

L.(2) Map H shows residential development in a specific parcel with an alternative use as a public school, a public charter school, or a private school. If the specified parcel is developed with a school, those residential units identified for that parcel may be reallocated to other residentially designated parcels, provided that the total residential units are not exceeded and all other requirements of this development order and the zoning ordinance are met. Reallocation of these residential uses may be permitted through amendments to the local zoning ordinance and Preliminary Site Plan for this project, without the need for further DRI review.

Health Care, Police, and Fire

M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the approval of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made.

M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. The Community Service parcel shall be conveyed in whole or in part to the North River Fire District for construction of a fire and EMS station prior to approval of the first Final Site Plan or Final Plat for Vertical Development in Phase 1, or any subphase thereof. Should the Fire District opt for another location, the permitted uses on this site may revert to mixed uses as defined in Table 1. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.

M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.

M.(5) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.

M.(6) The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of Sheriff's Office services necessary to serve the Project* or any phase or subphase thereof.

Economics

N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest later development rights not addressed in this approval.

N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.

O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

b. Obtain energy audits provided by energy companies or other qualified agencies;

c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non business hours, as appropriate;

g. Institute and utilize recycling programs;

h. Utilize energy efficient packaging or recyclable materials;

i. Install total energy systems on large facilities when cost effective; and

j. Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* shall be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.

P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 7 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.

P.(4) All Development Approvals* shall be obtained within twenty-three (23) years from the date of approval of this Development Order. This Development Order shall expire twenty-eight (28) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project experience. If such analysis indicates that the Project will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project or if such analysis indicates that the Project would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order,

and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

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

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

P.(7) The Developer shall comply with the Manatee County requirement to provide a hurricane evacuation plan with either a Master Preliminary Site Plan or each individual Final Site Plan. Provided the school is constructed to serve as a public shelter for emergency management pursuant to Section 1013.372(1), F.S., Developer may incorporate this shelter capacity in its hurricane evacuation plan.

P.(8) The Developer, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on or before August 26th of each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

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

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

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, and being significant;

f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

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

i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14) (d), Florida Statutes;

j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

m. Any other information required pursuant to general law.

SECTION 7. DEVELOPER* COMMITMENTS:

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

A. Air

As areas are cleared, the contractor shall sod, seed, mulch, or landscape the cleared areas as soon as possible. The side slopes of detention ponds shall be sodded or natural vegetation will be encouraged to grow. Wind erosion shall be controlled through sprinkling or other appropriate means. (ADA* 13-6)

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

B. Water

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

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

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

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

C. Vegetation and Wildlife

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

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

D. Drainage

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

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

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

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

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

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge shall be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

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

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

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

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

F. Solid Waste

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

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

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

G. Energy

The applicant shall coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)

Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

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

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

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

H. Recreation and Open Space

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

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

I. Education

The 20.0 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

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

K. Fire

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

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

L. Transportation

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

Additional Developer Commitments associated with Ordinance 08-58

1. There will be no changes to preservation areas designated on the existing Master Development Plan. (June 16, 2008 correspondence/Page 1)

2. There will ne no changes to the project's external access points. (June 16, 2008 correspondence/Page 1)

3. The application was provided to the Manatee County School Board through the submittal to Manatee County Planning Department. In addition, the applicant met with Mike Pendley, Facilities Planner for the Manatee County School Board, on April 15, 2008 to discuss the proposed application. (June 16, 2008 correspondence/Page 1)

4. The Manatee County School Board has discretion on whether the public school site will be used or when it will be used. However, they do not

have the sole discretion as to the location of the school site. The location can only be changed through coordination with the applicant and through appropriate applications with Manatee County. (June 16, 2008 correspondence/Page 2)

5. If the specified parcel [Parcel "M"] is developed with a school, those residential uses identified for that parcel may be relocated to other residentially designated parcels, provided that the total residential units are not exceeded and all other requirements of this Development Order and the zoning ordinance are met. (June 16, 2008 correspondence/draft amendatory language/Page 32)

6. It is understood that the potential construction of a private school currently requested on an existing residential parcel (Parcel "M" of the General Development Plan) would not fulfill the requirement for dedication of a 20-acre public school site (Parcel "Q" of the General Development Plan) currently recognized in the Development Order. However, in the event the School Board does not elect to construct the school site within the Gateway North community, the developer would be authorized to construct the current approved residential entitlements across this parcel.

7. The proposed/revised Master Development Plan, attached to this Report as **Exhibit B**, shall be recognized within the amendatory language and included as a separate exhibit to the Development Order.

SECTION 8. LEGAL DESCRIPTION:

DESCRIPTION: (O.R. BOOK 1357, PAGE 132)

THE SOUTH 14 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 132)

TOGETHER WITH:

DESCRIPTION: (O.R. BOOK 1357, PAGE 134)

PARCEL A

THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST,

MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1025 AT PAGE 3055, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAYS FOR BUCKEYE ROAD AND GRASS FARM ROAD, AND FLORIDA POWER AND LIGHT EASEMENT ALONG THE NORTH LINE THEREOF.

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR BUCKEYE ROAD.

PARCEL B

THE NORTHEAST 1/4, THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1030 AT PAGE 2797, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE SOUTH 14 FEET OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR 56TH AVENUE EAST.

LESS THAT PART FOR RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 867 AT PAGE 441, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD.

PARCEL C

THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW

ROAD AND 40TH AVENUE EAST.

PARCEL D

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS LANDS DESCRIBED IN OFFICIAL RECORD BOOK 291 AT PAGE 245 AND OFFICIAL RECORD BOOK 898 AT PAGE 872, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75.

PARCEL E

THE NORTHWEST 1 /4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL F

THAT PART OF THE EAST 1 /2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING NORTHWEST OF AND ABUTTING THE NORTHWEST RIGHT OF WAY LINE FOR INTERSTATE ROUTE 75.

PARCEL G

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15"EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET; THENCE NORTH 52°13'21" EAST, ALONG A FENCE, A DISTANCE OF 758.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE WEST, A DISTANCE OF 752.00 FEET; THENCE SOUTH 00°33'15" WEST ALONG THE AFOREMENTIONED WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 805.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 235, OF THE PUBLIC

RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL H

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°30'20" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 492.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°30'20" WEST, A DISTANCE OF 835.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 88°54'50" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1040.38 FEET; THENCE NORTH 00°42'07" EAST, A DISTANCE OF 1293.37 FEET TO THE SOUTH RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE NORTH 88°42'00" WEST, ALONG SAID RIGHT OF WAY LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 714.86 FEET; THENCE SOUTH 00°30'20" WEST, A DISTANCE OF 462.00 FEET; THENCE NORTH 88°42'00" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL I

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1 /4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°03'21" EAST, ALONG A FENCE, A DISTANCE OF 756.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE EAST, A DISTANCE OF 117.00 FEET; THENCE SOUTH 21°55'00" EAST, A DISTANCE OF 238.00 FEET; THENCE SOUTH 30°37'45" WEST, A DISTANCE OF 249.85 FEET; THENCE NORTH 59°02'07" WEST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 51°53'51" WEST, A DISTANCE OF 674.66 FEET; THENCE WEST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF THE MOCCASIN-WALLOW ROAD, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75 AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 235 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 134)

LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1537 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1541 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 4 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use. Physical development of the Project* has commenced.

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

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

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

B. The Order was based upon substantially inaccurate information provided by the` Developer*; or

C. The change is clearly established by the County* to be essential for the

public health, safety, or welfare.

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 12. RENDITION:

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

SECTION 13. NOTICE OF RECORDING:

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

SECTION 14. SEVERABILITY:

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

shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE:

This Ordinance, 08-58 shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 05-17 during pendency of any appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 7th DAY OF AUGUST, 2008

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.

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

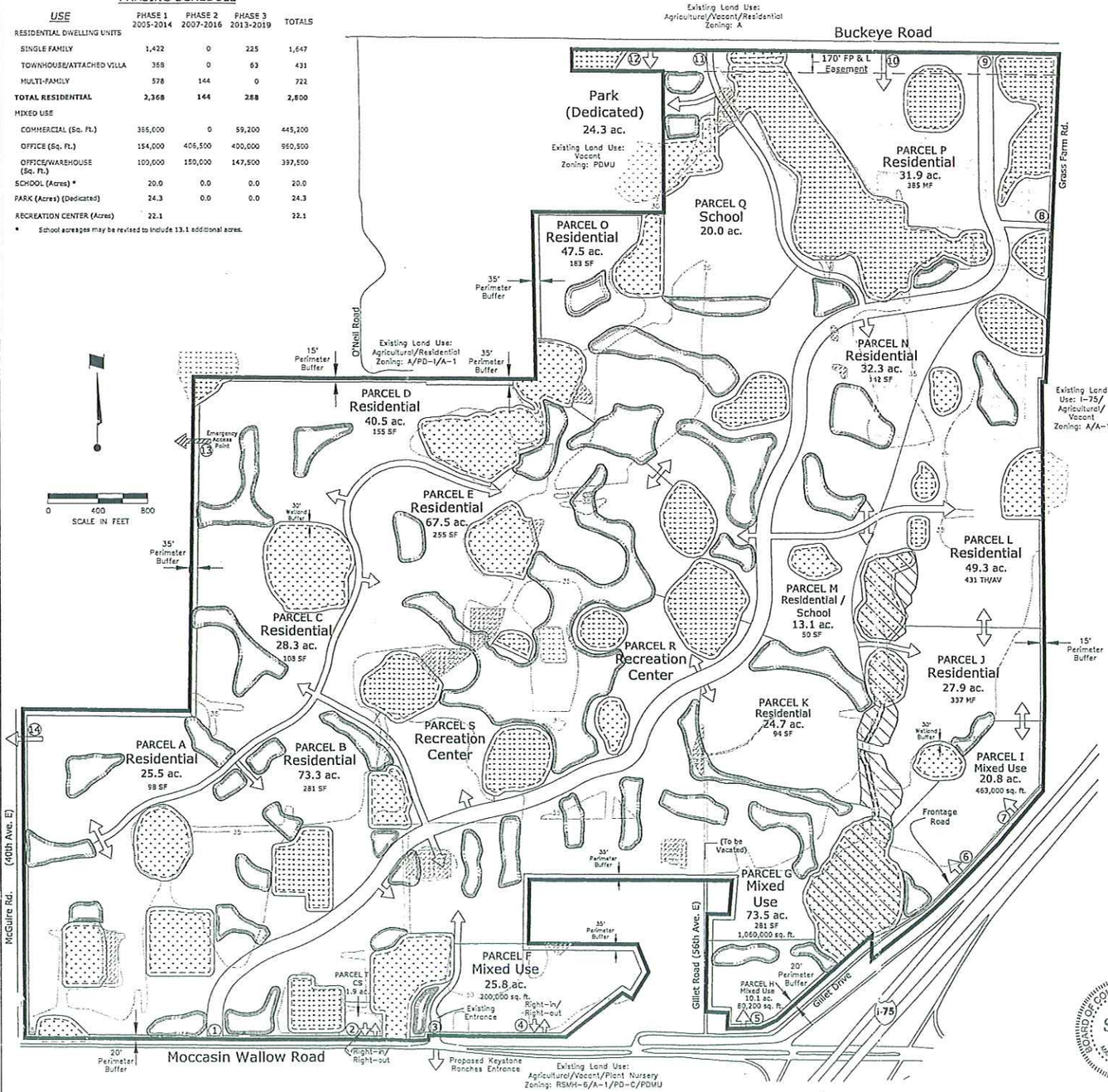
BY: _____
Deputy Clerk

EXHIBITS 1, 2, 3, 4, 5, AND 6 ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT TO THE PREVIOUSLY APPROVED ORDINANCE

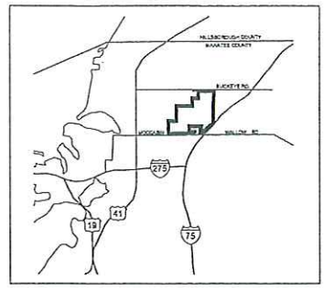
PHASING SCHEDULE

USE	PHASE 1 2005-2014	PHASE 2 2007-2016	PHASE 3 2013-2019	TOTALS
RESIDENTIAL DWELLING UNITS				
SINGLE FAMILY	1,422	0	225	1,647
TOWNHOUSE/ATTACHED VILLA	368	0	63	431
MULTI-FAMILY	578	144	0	722
TOTAL RESIDENTIAL	**2,368**	**144**	**288**	**2,800**
MIXED USE				
COMMERCIAL (Sq. Ft.)	386,000	0	59,200	445,200
OFFICE (Sq. Ft.)	154,000	406,500	400,000	960,500
OFFICE/WAREHOUSE (Sq. Ft.)	100,000	150,000	147,500	397,500
SCHOOL (Acres) *	20.0	0.0	0.0	20.0
PARK (Acres) (Dedicated)	24.3	0.0	0.0	24.3
RECREATION CENTER (Acres)	22.1			22.1

* School acreages may be revised to include 13.1 additional acres.



LOCATION MAP



LAND USE SCHEDULE

USE	ACRES	SQ.FT.	UNITS
RESIDENTIAL DWELLING UNITS			
SINGLE FAMILY			1,647
TOWNHOUSE/ATTACHED VILLA			431
MULTI-FAMILY			722
TOTAL RESIDENTIAL *	461.8		2,800
MIXED USE			
CO - COMMERCIAL (Sq. Ft.)		445,200	
OF - OFFICE (Sq. Ft.)		960,500	
OSC - OFFICE/WAREHOUSE (Sq. Ft.)		397,500	
TOTAL MIXED USE	130.2		
CS - COMMUNITY SERVICE (Sq. Ft.)	1.9		
SCHOOL (Acres) **	20.0		
RECREATION CENTER (Acres)	22.1		
LAKES/DETENTION (Acres)	129.3		
WETLANDS (Acres)	162.1		
OPEN SPACE (Acres)	57.0		
R.O.W./TRANSMISSION LINES (Acres)	53.8		
TOTAL	**1,038.2**	**1,803,200**	**2,800**
FARK (Acres) (Dedicated)***	24.3		

* Residential acreages may be revised to include 20 additional acres if Parcel Q (the school site) is not requested by the School Board.
** School acreages may be revised to include 13.1 additional acres.
*** Dedicated to Manatee County - not included in project total acreage

LEGEND

- Forested Wetlands
- Forested Wetlands Proposed to be Impacted by Development
- Herbaceous Wetlands
- Herbaceous Wetlands Proposed to be Impacted by Development
- Lakes
- Topographic Contour
- Access Arrows
- Preservation Areas
- (20) Access Points

NOTES:

1. Permitted Uses
   - Single Family: Single Family Detached Dwellings; Child FDR Uses; Related Accessory Uses
   - Townhouse/Attached Villas: Single Family Attached Dwellings; Townhouse/Attached Villa Dwellings; Child FDR Uses; Related Accessory Uses
   - Multi Family: Multi Family Dwellings; Townhouse/Attached Villa Dwellings; Single Family Detached Dwellings; Child FDR Uses; Related Accessory Uses
   - Mixed Use: Single Family Detached, Townhouse/Attached Villas, Multifamily Uses and Related Accessory Uses; Uses Allowed in the RD-C and PDC District; Uses Allowed in the PDH District, Except: Agricultural Products Processing, Farms, Breeding Facility, Stockyards & Feedlots, Sawmills, Slaughterhouses, Honey Manufacturing, Outdoor Advertising Signs, General Aviation Airport, Hazardous Waste Transfer Facility, Railroad Switching/Classification Yard, Institutional; Related Accessory Uses
2. Minimum Lot Size, Setbacks and Heights

Use	Height Maximum (Ft.)	Front Setback (Ft.)	Side Setback (Ft.)	Rear Setback (Ft.)	Min. Lot Size (Sq. Ft.)
Single Family Detached (50 to 79' lot width)	35	20	6	15	5,500
Single Family Detached (80' or greater lot width)	35	20	6	20	8,000
Single Family Attached (Townhouse/Attached Villa)	35	20	10 **	20	3,000
Multi-Family ***	3 stories/45	25	15	25	-
Commercial	35	25	15	20	-
Office	5 stories/65'	25	15	20	-
Office/Warehouse	45	25	15	20	-
School, Park	35	25	15	15	-
Recreation Center	45	25	15	15	-
Water Bodies and other improvements	50	50	50	50	-

* Single Family Detached uses may be developed as zero lot or 2 lot line units. This will be designated in the table of previously submitted reviews.
** No setback between attached units. Minimum distance between buildings is 20'.
*** Minimum distance between building is 20'. Increase side setback 10' for each story over 1 where abutting a single family residential district. The Board of Commissioners may approve a maximum height of 4 stories/60' as set forth in the Condition G (29).

3. Buffers/Screening: Buffering and Screening shall be provided in accordance with Sections 715 and 737 of the Land Development Code. Greenbelt buffers will not be made part of any platted lot. All development parcels adjacent to active agricultural uses at the time of final site plan approval shall provide a 35' setback as required by Section 722.6.F. At intersections where retention areas, wetlands, or open spaces at least 75 feet in width separate land uses between which a buffer is otherwise required, the buffer shall not be required (wall, fencing, vegetation) shall be required.
4. Parking: Parking shall be provided in accordance with Section 710, of the Manatee County Land.
5. Project Access: The alignment of all internal roadways and the location of all project access points are approximate. Exact alignments are subject to change pursuant to review by Manatee County during the site plan / subdivision review process.
6. Phasing: The Developer has elected, pursuant to subsection 380.06(6)(c), Florida Statutes, to be bound by the provisions of Chapter 403 and 373 in effect at the time that the Development Order for the Gateway North project is issued. Accordingly, to the extent that the provisions of Subsection 380.06(6)(c), Florida Statutes affect the determination as to which laws, rules or regulations are applicable to the Gateway North project, said determination shall apply. Location and size of retention areas shown are conceptual and subject to modification.
7. Water and Wastewater Service: Water and wastewater services will be provided by Manatee County.
8. Development Mix: The internal transfer of residential units shall be permitted between the multi-family and single family land use tracts shown on the site plan. Further trade offs in intensities of approved land uses within each phase may be made in order to respond to market conditions. Trade-off shall be based upon a methodology using accepted ITE trip generation rates. Changes in the development mix and densities of any phase shall be implemented in a manner which provides that the number of external vehicular trips generated by the development does not exceed the criteria established in 380.06(19)(b)(1) F.S.
9. Wetlands: Acreage and location of environmental areas and mitigation areas are approximate and are subject to final determination by appropriate agencies. Wetland buffers will be provided as required by Section 719, Land Development Code.
10. Agricultural Uses: Interim use for the site for agricultural uses shall be permitted prior to and during site development.
11. Signs: On-site signs will be in accordance with Sections 724 and 737, Land Development Code.
12. Historical Resources: There are no known historic buildings or sites located on site.
13. Flood Zone Area: The site lies within Flood Zones A, AE and X, and panel numbers 12081301B2C and 12081300B2C.
14. Environmental: The project shall meet the requirements of Section 737, (Environmental). However, the existing Development Order and Zoning Ordinance shall take precedence over this section.
15. Preservation: Non-wetland preservation area shall allow passive recreation including trails and benches.

PDMU-91-01 (G)(R4)
20080175(1)
Gateway North DRI #21 -

GENERAL DEVELOPMENT PLAN

GATEWAY NORTH

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 15th day of August 2008
R.B. SHORE
Clerk of Circuit Court
By: G Acevedo D.C.

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 2nd day of September 2008
R.B. SHORE
Clerk of Circuit Court
By: G Acevedo D.C.

WilsonMiller, Inc.
Naples · Fort Myers · Sarasota · Bradenton · Tampa · Tallahassee
Planners · Engineers · Ecologists · Surveyors · Landscape Architects · Transportation Consultants
3200 Cherokee Drive, Suite 400N · Tampa, Florida 33602 · Phone 813-223-9500 · Fax 813-223-0002 · Web Site www.wilsonmiller.com

#218

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 18, 2007

Tom Spence
TW Acquisitions, Inc.
877 Executive Center Dr., Suite 205
St. Petersburg, FL 33702

Re: Gateway North DRI#21 – Extension of phase, buildout, and expiration dates

Dear Mr. Spence:

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 Gateway North 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 Gateway North DRI are set forth below:

Manatee County Ordinance 05-17 is now amended to read as follows:

SECTION 4. DEVELOPMENT COMPONENTS:

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

Map H Land Use Designation	Phase 1A 2005-~~2014~~ 2017*	Phase 1B 2005-~~2014~~ 2017*	Phase 2 2007-~~2016~~ 2019*	Phase 3 ~~2013-2019*~~ 2016-2022*	Totals
Residential Dwelling Units					
Single-Family	1,422	0	0	225	1,647
Townhouse/Attached Villa	368	0	0	63	431
Multi-Family	578	0	144	0	722
Total Residential	**2,368**	**0**	**144**	**288**	**2,800**
Mixed Use					
Commercial (sq. ft.)	200,000	186,000	0	59,200	445,200
Office (sq. ft.)	0	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	70,000	30,000	150,000	147,500	397,500

* The phasing buildout dates shall be February 20th of the years indicated.

General Conditions

P.(4) All Development Approvals* shall be obtained within ~~twenty~~ (~~20~~) twenty-three (23) years from the date of approval of this Development Order. This Development Order shall expire ~~twenty-five~~ (~~25~~) twenty-eight (28) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

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

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

#218

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

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

#218

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1712

September 23, 2005

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

Re: Development Order for the Gateway North Development of Regional Impact

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 05-17 the Development Order for the Gateway North Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on August 23, 2005 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

R. B. SHORE
2005 SEP 12 PM 1:20
FILED
2005 SEP -6 AM 9:53

ORDINANCE 05-17

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 92-30, AS AMENDED BY ORDINANCE 93-49 AND ORDINANCE 97-62) ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the land development project known as Gateway North, a legal description of which is provided below ("Project"), lies within the unincorporated areas of Manatee County; and

WHEREAS, on April 9, 1992, the Board of County Commissioners of Manatee County, Florida adopted Ordinance 92-30, a development order approving the Gateway North DRI; and

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

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

WHEREAS, on August 26, 1997, the Board of County Commissioners adopted an amended Development Order (Ordinance 97-62) to extend the buildout and commencement dates of the Development Order; and

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

WHEREAS, the Developer has requested changes to the Development Order for Gateway North; and

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

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

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

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

WHEREAS, the Applicant declared themselves sufficient on January 4, 2005; and

WHEREAS, the County* on June 16, June 21, and August 4, 2005 held duly noticed public hearings on said NOPC and the language proposed by the Developer* to amend and restate Ordinance 93-49 and Ordinance 97-62, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, as well as the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 4th DAY OFAUGUST, 2005 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #21, ORDINANCE 97-62

Ordinance 92-30 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Gateway North Development of Regional Impact. All prior Development Orders (specifically including, but not limited to, Ordinance Nos. 92-30, 93-49, and 97-62) 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 2. FINDINGS OF FACT

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, and all

other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. All recitals preceding Section 1 of this Ordinance are adopted as findings of fact.

B. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 7 of this Ordinance as required by Section 380.06, Florida Statutes. The report was rendered on May 12, 2005, following public hearing.

C. The Board of County Commissioners held public hearings on August 4, 2005 regarding said amendment to the DRI described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code) and Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.

D. The proposed changes to the DRI regarding the property described in Section 8 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 6 and the Developer* Commitments specified in Section 7 of this Development Order.

E. The Developer* of the Project* submitted to Manatee County a NOPC, dated April 12, 2004, which is incorporated herein by reference.

F. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (see Attachment 1).

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

H. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

I. The authorized agents and their address for the Project* is Tom Spence of TW Acquisitions, Inc., 877 Executive Center Drive, Suite 205, St. Petersburg, FL 33702.

J. The owner of the property, which TW Acquisitions, Inc. intends to develop, is Property Reserve, Inc., a Utah corporation.

K. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

L. The applicant declared its application sufficient on January 4, 2005.

SECTION 3. CONCLUSIONS OF LAW:

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

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The 2020 Manatee County Comprehensive Plan, as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on February 14, 2005 regarding this NOPC.

4. 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.

5. The review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 4. DEVELOPMENT COMPONENTS:

A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A

through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service for all services except potable water, has been issued for the land uses listed in Phase 1 as defined in Ordinance PDMU-91-01(G)(R3), Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phase 2, and Phase 3 for land uses and acreage, but shall address only roadway capacity, mass transit, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code. Potable water and sanitary sewer concurrency will be reviewed separately at the time of each Final Site Plan or Construction Plan approval.

TABLE 1
LAND AREA AND USES

Use	Acres	Square Feet	Units	Land Use Exchange Maximum Increase
Mixed Use	130.2	1,803,200		6 acres, or 60,000 sq. ft.
Office	0	960,500		
Office/Warehouse	0	397,500		
Commercial	0	445,200		
Residential				
Single-family	352.7		1,647	Increase of combined residential dwelling units of 171 dwelling units regardless of type
Multi-Family	59.8		722	
Single-family Attached (Townhouse)	49.3		431	

Lake/Detention	129.3			
School	20.0			
Park *	0			
Recreation Center	22.1			
Wetlands**	162.1			
Mitigation***	0			
Detention	0			
Open Space	57.0			
R.O.W./ Transmission Lines	53.8			
Community Service	1.9			
Totals	1,038.2	1,803,200	2,800	

* The park was dedicated to Manatee County in 1999 and is no longer included the project acreage.
** Wetland acreage may be revised as wetland limits are verified and approved by the appropriate regulatory authority(ies).
*** Existing wetlands will be restored or enhanced. Specific acreages and locations will be determined during site permitting.

The amounts of the various uses (Residential, Mixed Use, and Office/ Warehouse*) within the Project* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in columns B, C, and, D of Table 1 above, provided that the final Project* meets the following conditions:

a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.

b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: School, recreation center, wetlands, mitigation, detention, open space, and R.O.W. transmission lines.

c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 4A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

Map H Land Use Designation	Phase 1A 2005-2014*	Phase 1B 2005-2014*	Phase 2 2007-2016*	Phase 3 2013-2019*	Totals
Residential Dwelling Units					
Single-Family	1,422	0	0	225	1,647
Townhouse/Attached Villa	368	0	0	63	431
Multi-Family	578	0	144	0	722
Total Residential	**2,368**	**0**	**144**	**288**	**2,800**
Mixed Use					
Commercial (sq. ft.)	200,000	186,000	0	59,200	445,200
Office (sq. ft.)	0	154,000	406,500	400,000	960,500
Office/Warehouse (sq. ft.)	70,000	30,000	150,000	147,500	397,500

* The phasing buildout dates shall be February 20th of the years indicated.

C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan.

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

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

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed, establishing to the satisfaction of the County, that some modification in the ITE rates is appropriate based upon sound traffic engineering principles), the relative proportions of trips produced by attractors, and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County.

Any amendments to the land use mix or proposed phasing schedule (Tables 1 and 2 respectively), other than those described herein, shall be submitted to the County for review and approval, pursuant to Notice of Proposed Change as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration of phases if otherwise there is compliance with the terms of the Development Order. Any departure in project buildout from the phasing schedule set forth in the application shall be subject to review to determine if such departure

constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

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

SECTION 5. DEFINITIONS:

The definitions contained in Chapter 380, Florida Statutes, the Manatee County Comprehensive Plan and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

A. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Exhibits 1 and 2 (Revised Map H and Preservation/Conservation Map, respectively), the NOPC submitted on January 28, 1997, and the NOPC submitted on April 12, 2004.

B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g.,sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

C. "County*" shall mean Manatee County, a political subdivision of the State of Florida.

D. "Developer*" shall mean Property Reserve, Inc., and TW Acquisitions, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.

F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;

2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and

4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

H. "Office/Warehouse*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.

I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map dated 9/30/04 attached as Exhibit 2

J. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 8 herein.

K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida

Game and Freshwater Fish Commission, the County,* and the Environmental Action Commission.

M. "Ambient Water Quality Monitoring Requirements for Development" shall mean the Manatee County Environmental Management Departments Ambient Water Quality Monitoring Requirements for Development document, hereinafter (AWQWR), and attached hereto as Exhibit 4.

SECTION 6. DEVELOPMENT CONDITIONS:

Transportation

A.(1) Access to and from the site shall be in accordance with state and local access regulations and as shown generally on Revised Map H.

A.(2) Provisions shall be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road (Gateway Boulevard) in later phases. This road shall be constructed at the cost of the Developer prior to Development Approval of Phase 1B or 2 in Ordinance PDMU-91-01(G)(R3) or Final Plat or Final Site Plan approval for 1,800 dwelling units. This dedication shall be eligible for impact fee credits to the extent allowed by the Manatee County Land Development Code and applicable law.

A.(3) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law. **(Completed)**

A.(4) The Developer* shall provide a multi-purpose pedestrian/bicycle trail as part of the roadway design for Gateway Boulevard and the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of the multi-purpose trail as part of the roadway design does not mean the trail itself must be part of the roadway. That is, the trail shall be included in design but may be constructed separately or in separation from the roadway itself. There shall be bicycle and pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards.

A.(5) The Developer* shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project*.

A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(7) When Certificates of Occupancy have been issued for 120,000 square feet of commercial space (land use 820 of Trip Generation, Seventh Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that external trips improvement thresholds specified in Table 3 for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

For the section of Moccasin Wallow Road, from I-75 to US 41, annual monitoring shall commence at the same time annual monitoring of external project trips commences per this Development Order (706 net external p.m. peak hour trips).

The results of the annual monitoring studies and a statement that the improvement thresholds have or have not been reached shall be reported in each annual report. In the event that monitoring studies indicate an improvement threshold has been reached, the Developer shall immediately notify Manatee County,

A.(8) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the

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

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

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

-- Increase urban area peak automobile occupancy rates by 10% by 2000 through expanded ride sharing efforts.

-- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2000.

A.(9) The improvements listed in Table 3 include a critical link and intersection improvements for the development of the Project*. In order to maintain adequate levels of service in the area, the Developer shall comply with one of the following two options:

1. For approval of all Phase 1 development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase I of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order, OR alternatively

2. The Developer* may elect to proceed with development of Phase 1 until such time as the first external trip threshold (723 net external project trips) for required improvements as specified in Table 3 is attained, pursuant to the traffic analysis provided as part of the NOPC filed April 12, 2004. Upon attaining the first external trip threshold specified in Table 3 (723 net external project trips), the required

improvements for that threshold (i.e., addition of a second NB left-turn lane and signalization at intersection of Moccasin Wallow Road and the I-75 northbound ramps, and addition of a westbound left-turn lane at the intersection of U.S. 41 and Moccasin Wallow Road) must be under construction or committed for funding in the first year of the FDOT or Manatee County Capital Improvement Program or work program). Further development may proceed only as improvements identified for specific net external trip thresholds as shown in Table 3 are under construction or committed for funding in the first year of the Capital Improvement Program or work program as thresholds are attained.

A.(10) In the event Funding Commitments* for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase described in Table 2, the Developer* shall have the option to submit to the County*, the State, and TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s), and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments* for required transportation improvements. The Developer* shall further submit projections for traffic volumes that will result from the completion of a currently approved Project* construction, plus the volumes to be generated by the next portion of development for which the Developer* is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.

A.(11) Upon reaching the 75% of the improvement threshold for the intersection of I-75 Northbound Off-Ramps with Moccasin Wallow Road (545 net external Project trips), the Developer shall commence monitoring of the operating conditions of the intersections of Moccasin Wallow Road and the I-75 Northbound and Southbound ramps, as well as the I-75 ramps connecting to Moccasin Wallow Road. Should any of these monitored facilities be found to be operating below Level of Service D, further development shall cease until improvements needed to raise the operation of the facilities to Level of Service D are under construction.

A.(12) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.

A(13) The Developer shall provide a paved interneighborhood tie to the east to Stone Dam Preserve at a location mutually determined between the two projects. The road shall be constructed prior to completion of Phase 1A of Zoning Ordinance PDMU-91-01(G)(R3) and shall include traffic calming measures as approved by the Planning and Transportation Departments.

A(14) The Developer shall construct a paved interneighborhood tie to the west for the access point shown on McGuire Road prior to completion of Phase 1A of zoning ordinance PDMU-91-01(G)(R3) development.

A.(15) Prior to development of Phases 2 or 3, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of those phases.

A.(16) The following roadway and intersection improvements shall be required as part of Phase 1. The Developer shall, at the time of each application for Preliminary Site Plan approval, furnish to the County an accurate up to date report of the amount of development, defined in terms of net new external p.m. peak hour trips for each land use category listed in Table 1.

TABLE 3

The following roadway links are determined to be required link improvements for Phase 1 of the Project*; due to the percentage of Project* traffic impacting the roadway and the resulting Level of Service (LOS).

Link	From/To	Improvement	External Trip Threshold	ERUs*
Moccasin Wallow Rd	US 41 to Ellenton Gillette Rd	2LD to 4LD	1,808	2,200
Moccasin Wallow Rd	Ellenton-Gillette Rd to I-75	2LD to 4LD	1,085	1,320
I-75	SR 70 to SR 64	8-lane	2,460	2,993
I-75	SR 64 - US 301	8-lane	1,592	1937
I-75	US 301 to I-275	8-lane or adopt LOS D standard	2,531	3,067

*ERU's. For the purposes of tracking development transportation impacts, the "Equivalent Residential Unit" (ERU) is defined as the amount of development with the equivalent PM peak hour net trip generation of a single family unit. The equivalencies for various land uses are as follows:

One Single-Family Detached Residential Unit = 1.00 ERUs
One Single-Family Attached Residential Unit = 0.58 ERUs
One Multi-Family Residential Unit = 0.71 ERUs
1,000 square feet gross floor area of general commercial = 4.23 ERUs
1,000 square feet of office = 1.99 ERUs
1,000 square feet of office/service center = 0.79 ERUs.

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

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

Roadway	At intersection Access Point #	Improvement	External Trip Threshold	ERUs
Moccasin Wallow Rd	US 41	Signalize when warranted - Add WB left	723	880
Moccasin Wallow Rd	Ellenton-Gillette Rd	Signalize when warranted - Add EB/WB lefts	1,052	1,280
Moccasin Wallow Rd	Gateway Blvd (#1)	Signalize when warranted -Add EB left- Add WB right - Add SB left- Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted.	
Moccasin Wallow Rd	Commercial/Keystone Ranches (#3)	Signalize when warranted - Add EB and WB lefts - Add WB right - Add SB left - Add SB right	Must be completed at the time of construction of this access point. Signalize when warranted*	
Moccasin Wallow Rd	Frontage Rd	Add channelized left- Add WB right - Add SB right	Must be completed at the time of construction of this access point.	
Moccasin Wallow Rd	US 301	Add EB left	2,169	2,639
Moccasin Wallow Rd	I-75 NB ramps	Signalize when warranted - Add NB off ramp dual left	723	880
Moccasin Wallow Rd	I-75 SB ramps	Signalize when warranted	As required by signal warrants	

*These improvements will not be required for development of the proposed fire station.

Wetlands

B.(1) All wetlands defined as "Preservation or Conservation Areas*" by TBRPC policy attached hereto as Exhibit 2 shall be preserved and conserved respectively, except as indicated in Condition B.(4). The Developer* shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas* except as indicated in Condition B.(4).

B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas*. Natural annual hydroperiods, normal pool elevations, and seasonal

high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Planning Department, the Department of Environmental Protection (DEP), or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* shall be mitigated in accordance with the Manatee County Land Development Code (LDC Chapter 719, as may be amended) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate

B.(4) Exhibits 2 and 3 attached hereto identifies wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Wetland impacts shown on the referenced table and figure are subject to avoidance and minimization review criteria as required by Comprehensive Plan Policy 3.3.1.1, which shall be demonstrated prior to each Preliminary Site Plan approval. Those wetlands identified to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Exhibits 2 and 3 to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.

B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* for approval, and TBRPC, DEP, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative, and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

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

   a. Identification of existing dry and wet season site conditions;

b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;

c. Photographs and 24"X 36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

d. Narrative descriptions of any proposed wetland restoration activities and related issues;

e. Estimated costs of wetland mitigation/restoration schemes; and

f. Mitigation plans shall also include:

(1) Area and location of plantings;

(2) Species to be planted and spacing;

(3) Elevations for plantings;

(4) Source of plants or mulch;

(5) Source of wetlands soil and depth proposed; and

(6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719) or Uniform Mitigation Assessment Method (UMAM - Chapter 62.345 FAC), as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Wetland compensation areas and littoral shelves shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the created wetlands/enhanced wetlands/littoral shelves shall meet or exceed eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the littoral shelves and mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect

natural systems from development impact. All buffers, buffer restoration, sign requirements, and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Attachment #7).

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).

C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the Planning Department for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.

C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the approved preservation/conservation map (Exhibit 2).

C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the Planning Department consistent with the provisions of the Manatee County Comprehensive Plan.

C.(6) Any proposal to change upland preservation areas, as shown approximately on Exhibit 2, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;

b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;

c. Limit site work and construction to areas needed for immediate development;

d. Develop asphalt roads as soon as possible;

e. Initiate landscaping before development work is completed on a site;

f. Construct sediment basins at the start of each drainage system phase;

g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and

h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

E.(1) The Developer* shall institute the following procedures to ensure dust control during development of the Project*:

a. Implement a watering program during excavation, and dredge and fill operations;

b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;

c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;

d. Keep soil stockpiles moist, or treat with soil binders or cover;

e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

f. Remove dust producing materials as soon as possible;

g. Clean (sweep) paved roads adjacent to site as necessary;

h. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;

i. Limit site work and construction to areas needed for immediate development;

j. Develop asphalt roads as soon as possible; and

k. Initiate landscaping before development work is completed on site.

E.(2) Prior to development of Phases 2 or 3, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

Water Quality and Drainage

F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DEP, SWFWMD, and TBRPC for review and to the County* for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, and the County*, whichever is more stringent; to provide retention, or detention with filtration/ assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

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

F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and DEP for review, and to the County* for approval, prior to further Development Approvals*.

F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.

F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County*. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, and the County*. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:

1. Pre-construction monitoring:

   a. Sampling shall be initiated at least one year before the start of construction, in accordance with the provisions set forth in the AWQWR (Exhibit 4). It should be noted that baseline water quality monitoring for the development site was implemented in late 1997 and completed in March 1999, according to Manatee County records. A Supplemental Water Quality Monitoring Plan to meet the current or additional requirements referenced in Exhibit 4, is provided as Exhibit 5. This monitoring plan shall be implemented immediately, upon approval, in order to satisfy the one year monitoring requirement, during the pre-development phase, as specified.

   b. Sampling events shall be conducted in accordance with the AWQWR (Exhibit 4). The monitoring frequency and locations for the sampling events are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

2. Construction monitoring:

a. The monitoring of construction activities shall be accomplished with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies shall be initiated and maintained during construction and site development activities. The visual checks shall be conducted by the developer's onsite construction manager, who will maintain a daily log and also conduct weekly construction meetings with the subcontractors, to include discussions on stormwater and sediment control issues. The engineer of record for the project will assign these tasks to a designated onsite manager and will ensure that these tasks are performed accordingly. The Sediment Control Program and engineers documentation as well as the construction managers daytime and emergency contact information shall be provided to the Manatee County Environmental Management Department, prior to startup of site development activities. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the development's Supplemental Water Quality Monitoring Plan, provided as Exhibit 5. Inclusion in this provision will allow the County to design a monitoring program that is site specific but does not provide for a blanket exemption of construction monitoring.

b. Any violation of water quality standards within a drainage basin under construction shall be reported to the County* and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

a. Sampling events shall be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout. This requirement may be exempted if the pre-construction monitoring has been completed and the results deemed sufficient to satisfy the AWQWR (Exhibit 4) to be performed under the developments Supplemental Water

Quality Monitoring Plan, provided as Exhibit I.

b. Any violation of water quality standards within a drainage basin under construction will be reported to the County*, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

c. Participation in a Basin Management Action Plan (BMAP) may be required by the County if a sub-basin of one or more impaired waterbodies, as identified by Chapter 62-303 FAC, is located partially or wholly within the project boundary. The Developer shall participate in a BMAP that is established by the County for an impaired system, partially or wholly within the project boundary, prior to 2010. Any responsibility that the Developer agreed to as part of a specific BMAP shall be passed on to future responsible parties within the development (e.g. homeowner's associations).

4. Monitoring Reports:

a. Monitoring reports shall be submitted to the County* in accordance with the schedule referenced in the AWQWR (Exhibit 4). This monitoring report submittal schedule is included in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 5.

b. An official laboratory report shall also be submitted to the County* as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County*. At a minimum, field and laboratory tests at all sites will include the parameters referenced in the AWQWR (Exhibit 3). The analytical parameters for the sampling sites are proposed in the Supplemental Water Quality Monitoring Plan, provided as Exhibit 4.

6. Proposed monitoring and official laboratory analytical methods and report formats shall be approved by the County*.

7. The Developer* will incorporate additional water quality treatment or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective

or adversely impact water quality downstream of the Project* site.

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

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

The applicant submitted a pre-construction groundwater monitoring report in 1998 that represented the water quality conditions, as specified above. On February 13, 2004, the pre-construction groundwater monitoring requirement was considered satisfied by the County.

Prior to site development activities, the applicant will submit an ongoing groundwater monitoring plan to the County, in accordance with AWQWR in order to meet those specific monitoring requirements during construction and post-construction activities.

F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.

F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage or treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

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

Water

H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.

H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility. The Developer* shall submit an acceptable plan to the County* and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.

H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.

H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.

H.(8) Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

H.(9) For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*

I.(2) No additional permanent septic system shall be permitted within the Project*.

I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.

I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs shall be included in the Annual Report.

I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28), which is attached hereto as Attachment 6.

I.(6) The Developer* shall implement a wastewater reuse system when feasible.

Solid Waste

J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled, or transported. The results of such a tenant questionnaire shall be included in each Annual Report.

J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, EMD, DEP, and TBRPC, and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:

   a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

   b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;

   c. Describe generally improper disposal methods;

   d. Describe generally appropriate disposal methods;

   e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;

   f. Describe a program to inform owners and tenants of the information contained in the plan;

   g. Describe construction requirements for hazardous waste holding areas;

   h. Describe typical spill clean up methods; and

   i. Be updated and distributed to each non-residential land user annually.

J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.

J.(4) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permittable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

K.(1) The Project shall contain, at a minimum, 348.4 acres of open space (approximately162.1 acres of wetlands, 129.3 acres of lakes, and 57.0 acres of open space) in addition to approximately 22.1 acres committed to recreation as shown on Exhibit 6. Recreation areas within the Project shall be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (22.1 acres with facilities) shall be shall be completed prior to buildout of Phase 1A residential units. (The 24.3 acre park site has been dedicated to Manatee County).

K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.

K.(3) All recreation, park, and wetland sites, as shown on Revised Map H, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.

K.(4) The Project's parks and recreational facilities shall be accessible to the elderly, the handicapped.

Education

L.(1) The Developer shall dedicate to the Manatee County School Board usable land for one elementary school site of at least 20 acres in size. This land shall be available to the school Board at any time upon request. If a request for dedication from the School Board occurs prior to 2007, any necessary access to the site, water, or sewer shall be the responsibility of the School Board. At the time of the school site dedication to the School Board, the Developer shall dedicate to the County road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until on or after 2007, an internal public road from the school site to Buckeye Road, providing at least two driveway connections to the school site and designed to County standards, shall be constructed to the school site at Developer's expense, in a location agreeable to the School Board and Manatee County. Additionally, if the School Board elects to postpone development of the school site until on or after

2007, connections for potable water and sanitary sewer sized to serve an 823 seat elementary school shall also be provided to the boundary of the school site by the Developer at Developer's expense. Within 90 day after receipt of notice from the School Board Superintendent, provided such notice is received no earlier than 2007, the Developer shall submit construction plans for the road to Manatee County and SWFWMD for review and approval. The Developer shall diligently pursue the engineering design and permitting of said construction The Developer shall complete construction of this road within nine (9) months after receipt of all required permits. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County for joint use of the recreational areas. The Project's Master Stormwater Plan shall provide for the school site's stormwater retention needs. The Developer shall be entitled to school impact fee credit as allowed for by County impact fee regulations for all acreage dedicated or conveyed to the Manatee County School Board for the elementary school site. The value of the school site shall be determined based upon the purchase price for the acreage by the Developer, but in no event shall exceed the average of two appraisals obtained by the School Board at the time of conveyance.

Health Care, Police, and Fire

M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the approval of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made.

M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. The Community Service parcel shall be conveyed in whole or in part to the North River Fire District for construction of a fire and EMS station prior to approval of the first Final Site Plan or Final Plat for Vertical Development in Phase 1, or any subphase thereof. Should the Fire District opt for another location, the permitted uses on this

site may revert to mixed uses as defined in Table 1. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.

M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.

M.(5) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.

M.(6) The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of Sheriff's Office services necessary to serve the Project* or any phase or subphase thereof.

Economics

N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest later development rights not addressed in this approval.

N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.

O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

b. Obtain energy audits provided by energy companies or other qualified agencies;

c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;

g. Institute and utilize recycling programs;

h. Utilize energy efficient packaging or recyclable materials;

i. Install total energy systems on large facilities when cost effective; and

j. Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* shall be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.

P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 7 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.

P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project experience. If such analysis indicates that the Project will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project or if such analysis indicates that the Project would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

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

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

P.(7) The Developer shall comply with the Manatee County requirement to provide a hurricane evacuation plan with either a Master Preliminary Site Plan or each individual Final Site Plan. Provided the school is constructed to serve as a public shelter for emergency management pursuant to Section 1013.372(1), F.S., Developer may incorporate this shelter capacity in its hurricane evacuation plan.

P.(8) The Developer, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on or before August 26th of each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

a. Any changes in the plan of development or in the

representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;

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

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, and being significant;

f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

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

i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14) (d), Florida Statutes;

j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

k. Information on the actual prices and rents of housing units

constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

m. Any other information required pursuant to general law.

SECTION 7. DEVELOPER* COMMITMENTS:

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

A. Air

As areas are cleared, the contractor shall sod, seed, mulch, or landscape the cleared areas as soon as possible. The side slopes of detention ponds shall be sodded or natural vegetation will be encouraged to grow. Wind erosion shall be controlled through sprinkling or other appropriate means. (ADA* 13-6)

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

B. Water

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

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

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

A surface water quality monitoring program shall be completed. This monitoring program shall start prior to beginning any work on the site that might degrade stormwater, and shall continue through Project* build-out.

(SR, 11/12-18)

C. Vegetation and Wildlife

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

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

D. Drainage

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

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

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

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

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

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge shall be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

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

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

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

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

F. Solid Waste

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

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

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

G. Energy

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

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

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

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

H. Recreation and Open Space

The park site shall be open to the general public. Other recreational and open space amenities will be for persons living and working at Gateway

North. (ADA*, 27-2)

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

I. Education

The 20.0 acre school site to be dedicated does not contain wetlands, nor will stormwater management ponds need to be located on the parcel. (SR, 26-3)

J. Health Care

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

K. Fire

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

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

L. Transportation

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

SECTION 8. LEGAL DESCRIPTION:

DESCRIPTION: (O.R. BOOK 1357, PAGE 132)

THE SOUTH 14 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 132)

TOGETHER WITH:

DESCRIPTION : (O.R. BOOK 1357, PAGE 134)

PARCEL A

THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1025 AT PAGE 3055, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAYS FOR BUCKEYE ROAD AND GRASS FARM ROAD, AND FLORIDA POWER AND LIGHT EASEMENT ALONG THE NORTH LINE THEREOF.

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR BUCKEYE ROAD.

PARCEL B

THE NORTHEAST 1/4, THE NORTHWEST 1/4, THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS THAT PORTION AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1030 AT PAGE 2797, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE SOUTH 14 FEET OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4.

SUBJECT TO THE MAINTAINED RIGHT OF WAY FOR 56TH AVENUE EAST.

LESS THAT PART FOR RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 867 AT PAGE 441, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO MAINTAINED RIGHT OF WAY FOR MOCCASIN-WALLOW ROAD.

PARCEL C

OF 805.85 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 255, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL H

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°30'20" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 492.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°30'20" WEST, A DISTANCE OF 835.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 88°54'50" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1040.38 FEET; THENCE NORTH 00°42'07" EAST, A DISTANCE OF 1293.37 FEET TO THE SOUTH RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE NORTH 88°42'00" WEST, ALONG SAID RIGHT OF WAY LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 714.86 FEET; THENCE SOUTH 00°30'20" WEST, A DISTANCE OF 462.00 FEET; THENCE NORTH 88°42'00" WEST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL I

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 00°33'15" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST 1 /4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF MOCCASIN-WALLOW ROAD, A DISTANCE OF 193.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 52°03'21" EAST, ALONG A FENCE, A DISTANCE OF 756.64 FEET TO AN IRON PIPE; THENCE NORTH 14°16'09" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 79°13'07" EAST, A DISTANCE OF 40.00 FEET; THENCE NORTH 7°46'48" WEST, A DISTANCE OF 129.73 FEET; THENCE EAST, A DISTANCE OF 117.00 FEET; THENCE SOUTH 21°55'00" EAST, A DISTANCE OF 238.00 FEET; THENCE SOUTH 30°37'45" WEST, A DISTANCE OF 249.85 FEET; THENCE NORTH 59°02'07" WEST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 51°53'51" WEST, A DISTANCE OF 674.66 FEET; THENCE WEST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF THE MOCCASIN-

WALLOW ROAD, A DISTANCE OF 36.85 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY FOR INTERSTATE ROUTE 75 AS DESCRIBED IN OFFICIAL RECORD BOOK 839 AT PAGE 230 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(END OF DESCRIPTION IN O.R. BOOK 1357, PAGE 134)

LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1537 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THEREFROM:

THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1598 AT PAGE 1541 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SECTION 9. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 4 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 10. RESTRICTIONS ON DOWN-ZONING:

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

A. Substantial changes in the condition underlying the approval of the Order

have occurred; or

B. The Order was based upon substantially inaccurate information provided by the` Developer*; or

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

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

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

SECTION 11. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 12. RENDITION:

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

SECTION 13. NOTICE OF RECORDING:

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

SECTION 14. SEVERABILITY:

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this

Development Order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provision or portion shall be deemed null and void, but all remaining provisions and portions of this Development Order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE:

This Ordinance, 05-17 shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 97-62 during pendency of any appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS 23rd DAY OF AUGUST, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

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

BY: _____
DC

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

PHASING SCHEDULE

USE	PHASE 1 2006-2010	PHASE 2 2007-2015	PHASE 3 2013-2019	TOTALS
RESIDENTIAL DWELLING UNITS				
SINGLE FAMILY	1,433	0	225	1,847
TOWNHOUSE/ATTACHED VILLA	108	0	63	431
MULTI FAMILY	176	144	0	320
TOTAL RESIDENTIAL	1,888	144	288	2,808
MIXED USE				
COMMERCIAL (Sq. Ft.)	346,800	0	98,280	445,280
OFFICE (Sq. Ft.)	154,848	483,696	488,688	926,384
OFFICE/WAREHOUSE (Sq. Ft.)	196,800	158,096	142,688	297,584
SCHOOL (Acres)	20.0	0.0	0.0	20.0
PARK (Acres) (Dedicated)	24.3	0.0	0.0	24.3
RECREATION CENTER (Acres)	22.1			22.1



LAND USE SCHEDULE

USE	ACRES	SQ.FT.	UNITS
RESIDENTIAL DWELLING UNITS			
SINGLE FAMILY			1,847
TOWNHOUSE/ATTACHED VILLA			431
MULTI FAMILY			320
TOTAL RESIDENTIAL	461.8		2,808
MIXED USE			
CH - COMMERCIAL (Sq. Ft.)		445,280	
OF - OFFICE (Sq. Ft.)		926,384	
OSC - OFFICE/WAREHOUSE (Sq. Ft.)		297,584	
TOTAL MIXED USE	136.2		
CS - COMMUNITY SERVICE (Sq. Ft.)	1.9		
SCHOOL (Acres)	20.0		
RECREATION CENTER (Acres)	22.1		
LAKE/DETENTION (Acres)	126.3		
WETLANDS (Acres)	161.1		
OPEN SPACE (Acres)	57.8		
R.O.W./TRANSMISSION LINES (Acres)	123		
TOTAL	2,818.3	1,669,248	3,000
PARK (Acres) (Dedicated)*	24.3		

* Dedicated to Manatee County - not included in project total acreage

LEGEND

- Forested Wetlands
- Herbaceous Wetlands
- Lakes
- Access Arrows
- Preservation Areas

WilsonMiller

Planning • Engineering • Surveying • Environmental
Landscape Architecture • Transportation Consultants

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Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
Jacksonville • Orlando • Daytona Beach • Palm Coast • Miami • Fort Lauderdale
Phone: 239 263-5600 • Fax: 239 262-0032 • Internet: www.wilsonmiller.com

MASTER DEVELOPMENT PLAN
Gateway North

A PLANNED DEVELOPMENT

By Taylor Woodrow

Exhibit 1

June 8, 2005

MAP H

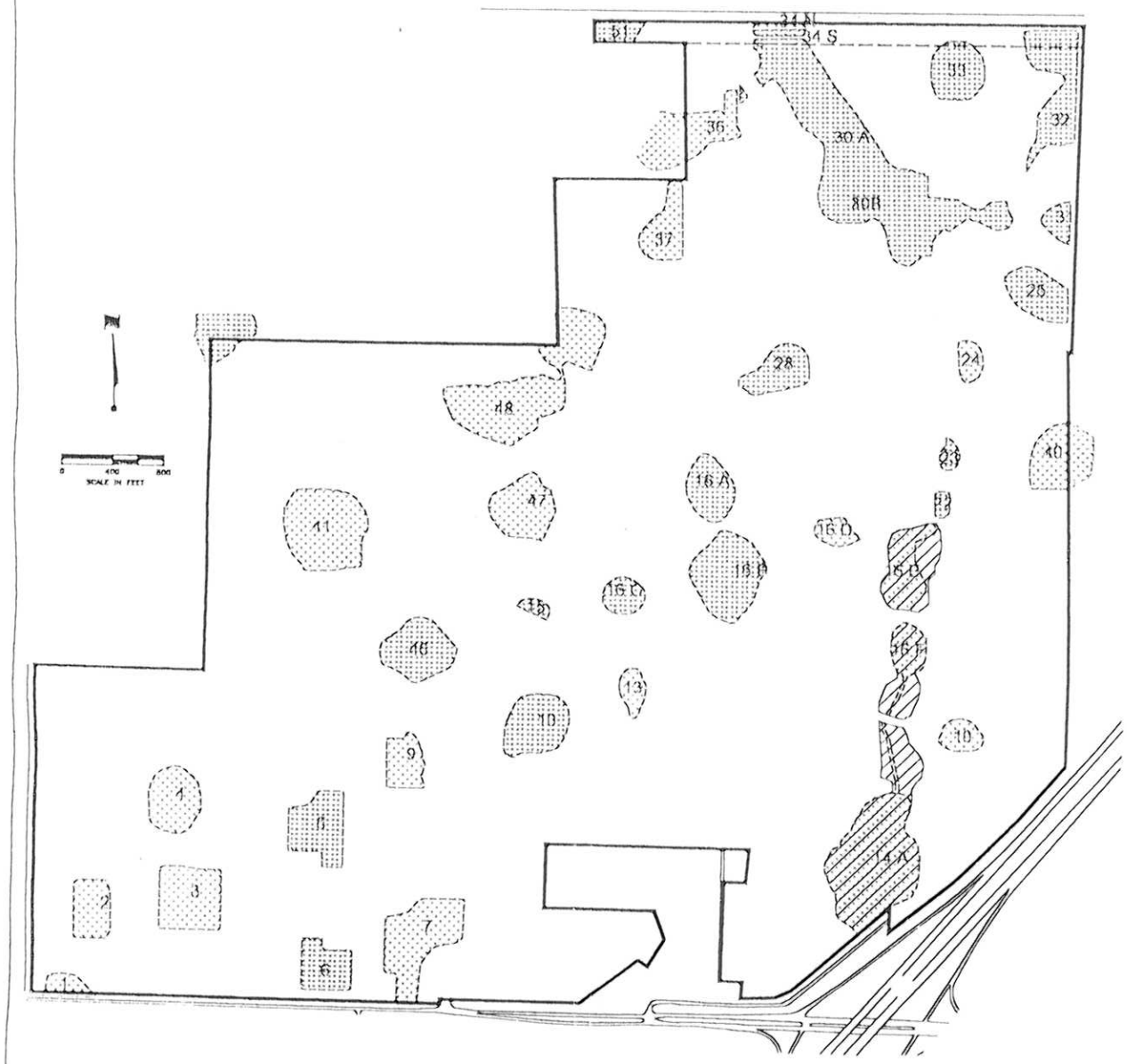


Exhibit 2

DRI #218
GATEWAY NORTH
PRESERVATION EXHIBIT/
CONSERVATION

SEPTEMBER 30, 2004

WilsonMiller

Exhibit 3 Wetland Acreages and Impacts - November 3, 2004

			Proposed	
Wetland #	EAC Wetland ID	Land Use	Acres	Impact Acreage
1	14A	615	12.9	
2	19	610	1.6	
3	No Function	414	0.0	
4	50	615	0.2	
5	12	615	0.6	0.6
6	11	610	0.9	0.9
7	13	641	0.0	
8	13	641	1.4	
9	10	640	0.0	
10	10	640	4.7	
11	15	640	0.6	
12	16C	640	1.8	
13	16B	640	9.0	
14	16D	640	1.4	
15	16A	640	3.5	
16	47	610	5.0	0.3
17	16E, 16F	615	6.3	
18	52	640	0.0	
19	22	643	0.0	
20	22	619	0.5	
21	23	640	0.7	
22	40	640	3.2	
23	24	640	0.0	
24	24	640	1.2	
25	25	640	3.6	
26	31	640	1.2	
27	32	640	0.0	
28	32	640	6.4	
29	33	641	3.9	
30	34N, 34S	641	0.9	
31	30A	640	0.0	0.8
32	30A	640	17.0	0.1
33	30B	640	9.4	
34	27	643	0.2	0.2
35	26	640	0.2	0.2
36	28	640	3.4	
37	No Function	617*	0.0	
38	48	610	0.0	
39	51	640	1.3	
40	36	610	0.0	
41	36	610	2.7	
42	37	610	3.3	
43	48	610	0.0	
44	48	610	0.0	
45	48	610	0.0	
46	48	610	0.0	
47	48	610	12.5	0.6
48	21	640	0.6	
49	41	640	8.5	
50	46	610	0.0	
51	46	610	7.8	3.0
52	9	643	0.0	
53	9	610	2.6	
54	8	610	1.8	1.8
55	7	610	6.9	
56	6	610	3.2	
57	5	610	4.7	
58	4	610	4.1	
59	3	610	5.4	
60	2	610	4.2	1.3
61	1	610	1.0	
	49	610	0.3	0.3
	Totals		172.2	10.1

Exhibit 4

Ambient Water Quality

Monitoring Requirements for Developments

General Monitoring Plan Requirements

Applicants should establish by pre-development monitoring data collection the current status of any receiving waterbody of the proposed development under the Impaired Waters Rule, 62-303 F.A.C.. Monitoring plan designs must be pre-approved by the Environmental Management Department, Water Quality Division, which will also review the required reports.

Program Duration and Sampling Frequency

Water quality monitoring must meet the data sufficiency requirements of 62-303.320(4) F.A.C.. At least ten, independent samples with at least one sample from three of the four calendar seasons as described in the cited administrative code. However, sampling must be attempted in all four calendar seasons. Data collection must continue in successive calendar seasons until sufficient data are accumulated to determine the water body status. One year of monitoring data collection will normally be required to meet this criterion. Data from other entities do not satisfy this requirement for current monitoring data collection.

Sampling Stations

A minimum of one surface water sampling station is to be located in each water body that will receive stormwater discharges from the completed development. Additional stations may significantly increase the reliability of the monitoring program. Applicants should carefully consider if their monitoring program design is viable during the dry season. Samples from multiple stations must meet the independence criteria of 62-303.320(4) F.A.C..

Quality Assurance

Monitoring data must meet all of the quality assurance requirements of 62-303.320(7) F.A.C.All monitoring data must be submitted to STORET.

Reporting

Applicants should submit quarterly status reports no later than 60 days following the end of each calendar quarter. Status reports will indicate where and when monitoring data were collected and summarize the results. A final, interpretive report is due no later than 90 days following the conclusion of the monitoring program. The report will evaluate the monitoring data using the procedures described in 62-303.300 F.A.C. (Planning List), State water quality standards in 62-302 F.A.C., and procedures used by the Florida Department of Environmental Protection Watershed Management Cycle, Phase 1 (Planning List). Data from other entities meeting the quality assurance requirements described above may be used in the interpretive report. Results should be submitted to STORET concurrently with the submission of the final report. Your final report should indicate how these data were labeled so that the submission can be verified through the STORET Internet interface.

Gateway North Water Quality Stations

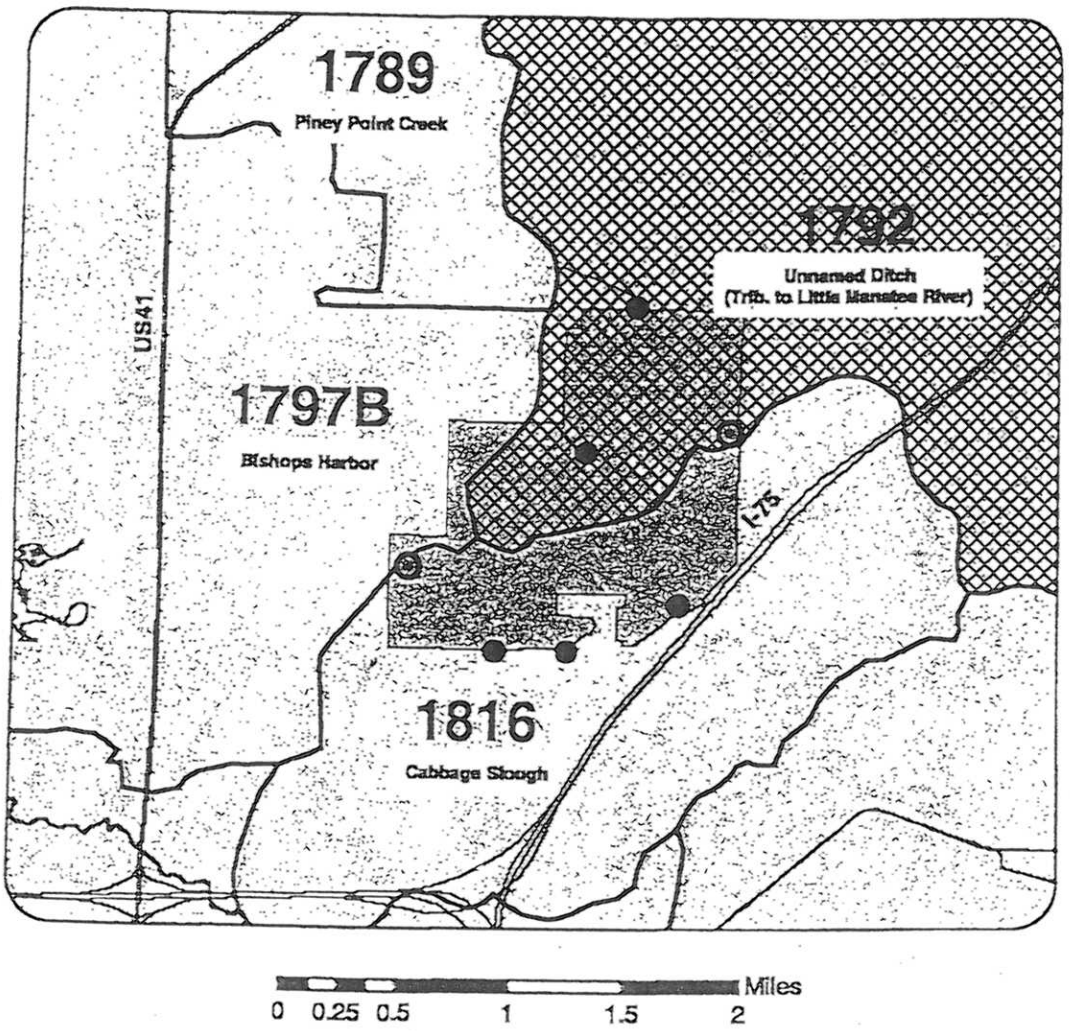


Exhibit 5

Gateway North/AKA Property Reserve, Inc. PDMU-91-01

Supplemental Surface Water Quality Monitoring Plan Proposal

The following presents a Supplemental Water Quality Monitoring Plan, in accordance with the stipulation under Development Order Condition F.(5) 1. Pre-Construction Monitoring for the above referenced NOPC development site. An aerial map showing the Gateway North NOPC site boundaries is provided following this monitoring plan proposal.

Baseline water quality monitoring was performed and approved by MCEMD for the original DRI project, in late 1997. The baseline monitoring continued through January 1999 in order to collect sufficient, representative surface water quality data to satisfy the Manatee County Ordinance 93-49, Development Order requirements, at that time. In the interim, MCEMD has mandated additional development order requirements in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired waterbodies.

The following supplemental water quality monitoring plan for ambient, surface water conditions is proposed in order to meet those additional requirements referenced in Exhibit "A" (MCEMD's "Ambient Monitoring Requirements for Developments") of the above referenced Development Order, during the pre-developmental phase of the proposed NOPC project. A copy of "Exhibit A" is provided with this monitoring plan for reference. Upon approval, the monitoring program will begin immediately in order to satisfy the one year of monitoring data collection prior to site development activities.

Sampling Stations/Locations:

Five water quality monitoring stations were established to monitor the DRI site during 1997 to 1999. The stations were located upgradient and downgradient of sub-basin drainages within the DRI site. The Gateway North DRI monitoring station locations are shown on the attached MCEMD Basin ID map, identified as Exhibit "B". Monitoring of the same locations is proposed for the supplemental water quality monitoring program in order to detect surface water quality trends for the water quality parameters previously analyzed.

Monitoring Frequency and Parameters:

Surface water sampling will be conducted at the five surface water monitoring stations (Exhibit "B") on a quarterly basis in order to meet the data sufficiency requirements of 62-303.320(4) F.A.C. At least ten, independent samples are to be collected with at least one sample from three of the four calendar quarters in order to determine the additional representative, ambient water quality conditions during the pre-development phase of the NOPC project.

The following parameters will be analyzed from samples collected from the monitoring stations:

Dissolved oxygen;
Temperature;
pH;
Conductivity/Salinity
Fecal and Total Coliform;
Turbidity;
Total suspended solids (TSS)
Total organic carbon (TOC)
Color
Carbonaceous biologic oxygen demand (CBOD)
Calcium magnesium (Ca Mg)
Potassium (K)
Sodium (Na)
Iron (Fe)
Chlorophyll a
Phaeophytic a
Nitrate
Total kjeldahl nitrogen (TKN)
Ammonia (NH3)
Total nitrogen;
Nitrate + Nitrite
Total phosphorus
Total phosphate
Sulfate (SO4)
Flouride
Chloride
Organochlorine Pesticides (EPA 608 parameter list)
Primary Herbicides: 2,4, 5-TP Silvex and 2,4 - D

Quality Assurance/Quality Control: Sampling/Analytical Methods

All sampling and field measurements will follow the applicable collection and quality control protocols and requirements described in DEP-SOP-001/01 (January 1, 2002) and DEP-QA-

001/92 (Laboratory Operations and Sample Collection Activities). Analytical methods will meet all of the quality assurance requirements stipulated in 62-303.320(7).

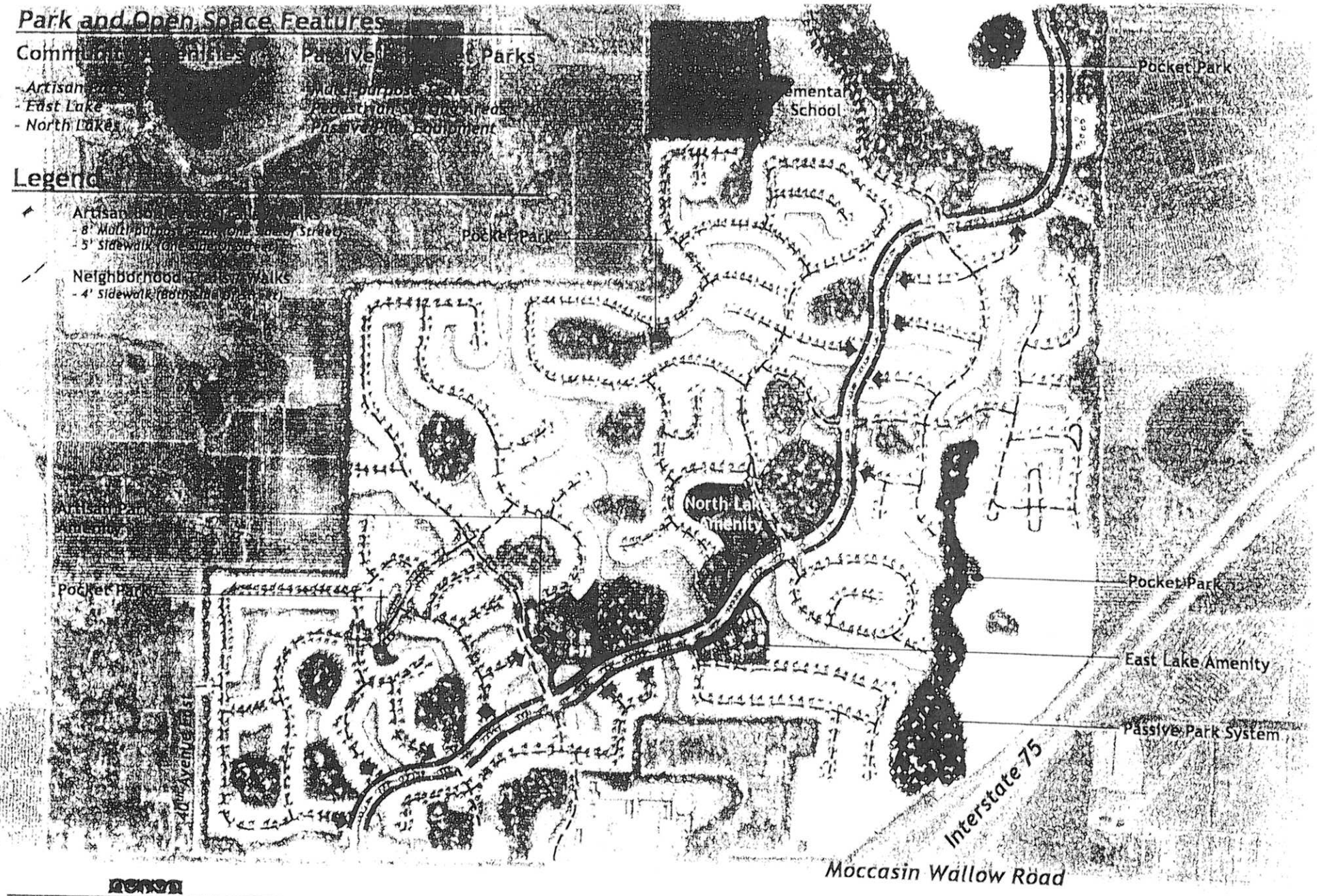
Reporting:

Reporting for the supplemental water quality monitoring program will be performed in accordance with the provisions in Exhibit "A". Field and laboratory analytical results for the supplemental monitoring periods will be submitted to MCEMD in a quarterly status report no later than 60 days following the end of each calendar quarter. These status reports will indicate monitoring data collection frequency, location and will summarize the results. An interpretive report will be submitted at the conclusion of the pre-development monitoring (for ambient water quality conditions) period, no later than 90 days following the final (pre-development) monitoring event. All data will be submitted to STORET as specified in Exhibit "A".

Attachments: (updated) Aerial Map Exhibit (DRI/NOPC site boundaries)
Exhibit "A" (MCEMD Ambient Water Quality Monitoring Document)
Exhibit "B" (MCEMD Basin ID map)

CC: Tom Spence, TW Acquisitions, Inc.
Greg Blanchard, MCEMD
Brenda Arnold, FDEP

\\Palmetto\public\Affairs\SLR-Taylor Woodrow\Water Quality-NOPC\Supplemental WQ Monitoring Plan Proposal 0604.doc



ARTISAN LAKES

Park and Open Space Plan

Exhibit 6

Taylor Woodrow

Ervin Lovett & Miller WilsonMiller



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 31ST day of
AUGUST ,20 05
R.B. SHORE
Clerk of Circuit Court
By: Nancy Harris D.C.

RECEIVED

SEP 27 2005

Tampa Bay Regional
Planning Council

SEAL

STATE OF FLORIDA, COUNTY OF MANATEE
I, R.B. SHORE, Clerk of the Circuit Court, do 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 19TH day of SEPTEMBER, 20 05

R.B. SHORE
Clerk of the Circuit Court

By: Nancy Harris D.C.

TB-
2/8

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

August 29, 1997

CERTIFIED MAIL
P 368 650 175

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Fl 33702

Re: Development Order for Gateway North

Dear Ms. Greene:

Enclosed is a certified copy of Ordinance 97-62, the development order for Gateway North, as adopted in open session by the Manatee County Board of County Commissioners on August 26, 1997, 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/sw
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 97-62

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

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

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

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

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

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

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

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

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

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

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

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

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

WHEREAS, the County* on August 26, 1997, held a duly noticed public hearing on said NOPC and the language proposed by the Developer* to amend Ordinance 93-49, and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning Department.

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

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

SECTION 1. FINDINGS OF FACT:

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

A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

B. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC and the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance of an NOPC pursuant to Section 380.06, Florida Statutes. The report was rendered on August 26, 1997, following public hearing.

A. The Board of County Commissioners held a public hearing on August 26, 1997 regarding said amendment to the DRI and the proposed Official Zoning Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01, as amended (The Manatee County Land Development Code) and Ordinance No. 89-01, as amended (The Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the public hearing.

B. The proposed changes to the DRI regarding the property described in Section 7 herein are found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.

C. The Developer* of the Project* has submitted to Manatee County a NOPC, dated December 13, 1996, and amended by the correspondence dated February 19, 1997, which is incorporated herein by reference.

D. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very-low income households and the existing housing supply (see Attachment 1).

E. The real property which is the subject of this Development Order is legally described as set forth in Section 7, herein.

F. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

G. The authorized agents and their addresses for the Project* are John L. King or R. Bruce Wright, 1700 13th Street, Suite 2, St. Cloud, Florida 34769.

H. The owner of the property, which Magnolia Management Corporation intends to develop, is Property Reserve, Inc., a Utah corporation.

I. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the

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

SECTION 2. CONCLUSIONS OF LAW:

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

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on September 16, 1991 and on February 19, 1997 regarding this NOPC.

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

C. That the review by the County*, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 3. DEVELOPMENT COMPONENTS:

A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service has been issued for the land uses listed in Phase 1, Table 2. Phases 2 and 3 are conceptually approved only. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3. The Development Order must be amended, and Certificates of Level of Service must be obtained for Phases 2 and 3 for land uses and acreage, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code.

TABLE 1
LAND AREA AND USES

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

The amounts of the various uses (Residential, Commercial, Office and Office/Service Center*) within the Project* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in columns B, C and, D of Table 1 above, provided that the final Project* meets the following conditions:

a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.

b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: Lake, school, park, recreation center, wetlands, mitigation, detention, open space, and R.O.W. transmission lines.

c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 3A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

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

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

a. The number of residential units within any phase may not be increased or decreased by more than five hundred dwelling units.

b. The square footage of commercial space within any phase may not be increased by more than one-hundred fifty-thousand square feet or decreased by more than one-hundred thousand square feet.

c. The square footage of office space within any phase may not be increased more than seventy-thousand square feet or decreased by more than one-hundred thousand square feet.

d. The square footage of Office/Service Center * within any phase may not be increased more than ninety-nine thousand square feet or decreased by more than fifty-thousand square feet.

e. The phasing buildout dates shall be February 20th of the years indicated above.

C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.

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

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

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed, establishing to the satisfaction of the County, that some modification in the ITE Rates is appropriate based upon sound traffic engineering principles), the relative proportions of trips produced by attractors, and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor or generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution, or particular roadway segments designated by the County.

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

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

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

SECTION 4. DEFINITIONS:

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

A. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Attachments 2 and 3 (Revised Map H and Preservation/Conservation Map, respectively), and the NOPC submitted on January 28, 1997.

B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g.,sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

C. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee.

D. "Developer*" shall mean Property Reserve, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.

F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;

2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;

4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

H. "Office/Service Center*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use

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

I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map attached hereto as Attachment 3.

J. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 7 herein.

K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida Game and Freshwater Fish Commission, the County* and the Environmental Action Commission.

SECTION 5. DEVELOPMENT CONDITIONS:

Transportation

A.(1) Access to and from the site will be in accordance with state and local access regulations and as shown generally on Revised Map H.

A.(2) The existing I-75 frontage road will be extended through the property at the cost of the Developer* and dedicated to the County* prior to Development Approval* of Phase 2, but in all events prior to development of the office pod located contiguous to the frontage road as extended, which will use the frontage road for ingress and egress.

A.(3) Provisions will be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road in later phases. This road will be constructed at the cost of the Developer* prior to Development Approval* of Phase 2 or prior to Development Approval* for the neighborhood commercial proposed at the intersection of Gateway Boulevard and Buckeye Road, whichever occurs first. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(4) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(5) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.

A.(6) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.

A.(7) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(8) When Certificates of Occupancy have been issued for 280,000 square feet of commercial space (land use 820 of Trip Generation, Fourth Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

A.(9) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

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

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

OBJECTIVES:

-- Increase urban area peak automobile occupancy rates by 10% by 2000 through expanded ride sharing efforts.

-- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2000.

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

1. For approval of all Phase 1 development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase I of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order, OR alternatively

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

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

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

TABLE 3

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

Link	From	To	Improvement
Moccasin-Wallow	Ellenton-Gillette	I-75	2LD to 4LD

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

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

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

Wetlands

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

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

B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas* as depicted on the attached Preservation/Conservation Map. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Environmental Management Department (EMD), the Department of Environmental Protection (DEP), or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* on the attached Preservation/Conservation Map, shall be mitigated in accordance with the Manatee County Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios in limited circumstances, but in no instance at a ratio of less than 1.15:1.

B.(4) Table 16.1 attached hereto with Figure 16.1 (Attachments 4 and 5, respectively) identifies wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Those wetlands identified in said Table and Figure to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Table SR16-1 and Figure 16.1 from the Sufficiency Response to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.

B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* and EMD for approval, and TBRPC, DEP, and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

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

   a. Identification of existing dry and wet season site conditions;

b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;

c. Photographs and 24"X36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

d. Narrative descriptions of any proposed wetland restoration activities and related issues;

e. Estimated costs of wetland mitigation/restoration schemes; and

f. Mitigation plans shall also include:

(1) Area and location of plantings;

(2) Species to be planted and spacing;

(3) Elevations for plantings;

(4) Source of plants and/or mulch;

(5) Source of wetlands soil and depth proposed; and

(6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require type-for-type wetland replacement in accordance with the Manatee County Land Development Code. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland/littoral shelf shall meet or exceed an eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers and setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Attachment #7).

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).

C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EMD for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.

C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the attached preservation/conservation map.

C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the EMD consistent with the provisions of the Manatee County Comprehensive Plan.

C.(6) Any proposal to change upland preservation areas, as shown approximately on Attachment 3, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

D.(1) 1. The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

a. Sod, seed, or plant embankment areas of stormwater detention or retention ponds;

b. Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;

c. Limit site work and construction to areas needed for immediate development;

d. Develop asphalt roads as soon as possible;

e. Initiate landscaping before development work is completed on a site;

f. Construct sediment basins at the start of each drainage system phase;

g. Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points; and

h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

E.(1) 1. The Developer* shall institute the following procedures to ensure dust control during development of the Project*:

a. Implement a watering program during excavation, and dredge and fill operations;

b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;

c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil

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

d. Keep soil stockpiles moist, or treat with soil binders or cover;

e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

f. Remove dust producing materials as soon as possible;

g. Maintain 15 mph or less vehicle and equipment speeds on temporary roads;

h. Clean (sweep) paved roads adjacent to site as necessary;

i. Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;

j. Limit site work and construction to areas needed for immediate development;

k. Develop asphalt roads as soon as possible; and

l. Initiate landscaping before development work is completed on site.

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

Water Quality and Drainage

F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DEP, SWFWMD, and TBRPC for review and to the County* for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County*, and EMD, whichever is more stringent; to provide retention, or detention with filtration/ assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

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

F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD, and DEP for review, and to the County* for approval, prior to further Development Approvals*.

F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.

F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County* and SWFWMD. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DEP, the County*, and SWFWMD. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional, and local water quality standards as compared to stormwater entering the site. Any violation of Rule 17-3, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP. The surface water quality monitoring plan shall include the following generalized provisions:

1. Pre-construction monitoring:

   a. Sampling will be initiated at least one year before the start of construction.

   b. Sampling events will be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater, until the start of construction.

   c. Sampling locations will be at the five sites identified on page SR11/12-19 of the ADA*Sufficiency Response.

2. Construction monitoring:

   a. Sampling will be conducted as soon as practicable after each rainfall event of one inch or greater within the drainage basin(s) where construction activities are occurring. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.

   b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

   a. Sampling events will be conducted quarterly (two wet season and two dry season) and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout.

   b. Any violation of water quality standards within a drainage basin under construction

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

4. Monitoring Reports:

   a. Monitoring reports will be submitted to the County* on a quarterly basis during pre- and post-construction and monthly during construction.

   b. An official laboratory report shall also be submitted to the County*, SWFWMD, and TBRPC as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County* and SWFWMD. At a minimum, field tests at all sites will include temperature, ph, specific conductance, dissolved oxygen, and flow. Samples will be analyzed by a Florida certified laboratory for at least nutrients (total phosphorus, orthophosphorus, ammonia, nitrate, nitrite, TKN, total nitrogen) pesticides and herbicides, fluoride, oil and grease, metals (lead, cadmium, chromium, copper, zinc), suspended solids, turbidity, bacteria (total coliform, fecal coliform and fecal strep).

6. Proposed monitoring and official laboratory report formats shall be approved by the County* and SWFWMD.

7. The Developer* will incorporate additional water quality treatment or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

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

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

F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.

F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage or treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

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

Water

H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.

H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.

H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.

H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

H.(8) Prior to construction, an economic feasibility study shall be conducted by the applicant and evaluated by the SWFWMD to examine the use of reclaimed water. This study shall be consistent with rules that are in place at the time of its initiation. It shall address the potential of meeting the water needs for residential irrigation, nonresidential irrigation, other uses that do not require potable water, and the installation of reclaimed water distribution lines. Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*

I.(2) No additional permanent septic system shall be permitted within the Project*.

I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.

I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs must be included in the Annual Report.

I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39), which is attached hereto as Attachment 6.

I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled, or transported. The results of such a tenant questionnaire shall be included in each Annual Report.

J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, EMD, DEP, and TBRPC, and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:

   a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

   b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;

   c. Describe generally improper disposal methods;

   d. Describe generally appropriate disposal methods;

   e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;

   f. Describe a program to inform owners and tenants of the information contained in the plan;

   g. Describe construction requirements for hazardous waste holding areas;

h. Describe typical spill clean up methods; and

i. Be updated and distributed to each non-residential land user annually.

J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.

J.(4) Large quantity hazardous waste generators and industrial or commercial park components which produce hazardous waste which is not suitable for recycling, exchange, or reuse, shall be encouraged to develop permittable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

K.(1) The Project* shall contain, at a minimum, 332.5 acres of open space (approximately 154.4 acres of wetlands, 26.5 acres of mitigation area, and 151.6 acres of detention) in addition to approximately 102.5 acres of property (24.3 acres of park, a 5.3 acre recreation center and a 72.9 acre lake) committed to recreation. The property designated for recreation purposes shall include a 24.3 acre public park site to be conveyed with necessary easements or right-of-way to provide access from Buckeye Road prior to any further Development Approvals* and which, prior to commencement of Phase 2, shall have a second means of public access from Gateway Boulevard. Also, recreation areas within the Project* must be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (5.3 acres with facilities) can be utilized as part of the approximately 102.5 acres of recreation oriented property and shall be available prior to any further Development Approvals* for Phase 2.

K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.

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

K.(4) The Project's* parks and recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged.

Education

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

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

L.(2) If the County School Board should decide the school is not required or the location is inappropriate, the Developer* shall be permitted to use all or a portion of the applicable parcel for residential development, provided the number of dwelling units approved for the Project* is not increased and provided the County* determines that all recreational Level of Service standards are met. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation.

Health Care, Police, and Fire

M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

M.(2) The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1, or any subphase thereof. The pro rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.

M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.

M.(5) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.

M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.

Economics

N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest later development rights not addressed in this approval.

N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.

O.(2) 1. All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

b. Obtain energy audits provided by energy companies or other qualified agencies;

c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;

g. Institute and utilize recycling programs;

h. Utilize energy efficient packaging or recyclable materials;

i. Install total energy systems on large facilities when cost effective; and

j. Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.

P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.

P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

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

substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer* shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

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

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

P.(7) The Developer* shall make all efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.

P.(8) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to Subsection 380.06(19)(a), Florida Statutes.

P.(9) The Developer*, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA, or in the

phasing or land uses for the reporting year and for the next year;

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

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, and being significant;

f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

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

i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

SECTION 6. DEVELOPER* COMMITMENTS:

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

A. Air

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

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

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

B. Water

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

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

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

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

C. Vegetation and Wildlife

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

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

D. Drainage

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

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

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

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

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

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

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

E. Water Supply

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

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

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

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

F. Solid Waste

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

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

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

Energy

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

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

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

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

H. Recreation and Open Space

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

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

I. Education

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

J. Health Care

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

K. Fire

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

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

L. Transportation

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

SECTION 7. LEGAL DESCRIPTION:

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

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

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

Containing 1065± acres, more or less.

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

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within one year of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners. If more than one year shall elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 3 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING:

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

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

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

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

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

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

SECTION 10. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 11. RENDITION:

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

SECTION 12. NOTICE OF RECORDING:

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

SECTION 13. SEVERABILITY:

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

SECTION 14. EFFECTIVE DATE:

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

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

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

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

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass
Chairman

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

BY: Susan D. Romine

GATEWAY NORTH

Affordable Housing Analysis

Prepared for:

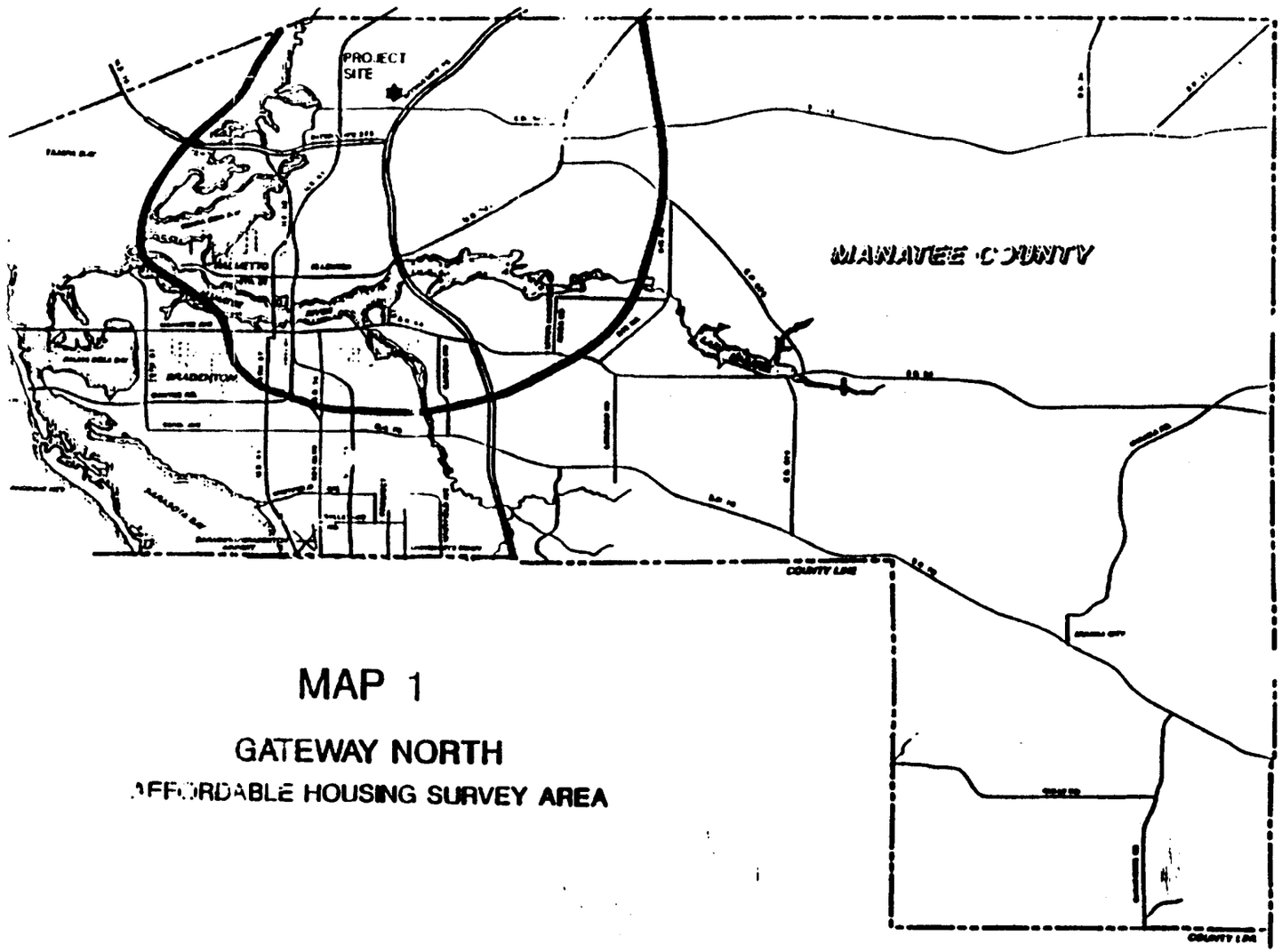
MAGNOLIA MANAGEMENT CORP.

Prepared by:

DAMES & MOORE

August, 1991

Attachment 1



MAP 1

GATEWAY NORTH

AFFORDABLE HOUSING SURVEY AREA

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

	Annual Income Limits 4.0 PPH
Median	$33,100 [1]
Low	$26,480 [2]
Very Low	$16,550 [3]

NOTES:

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

TABLE 3 - GATEWAY NORTH

PROJECTED PERMANENT EMPLOYMENT
(By Category and Phase)

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

Source: Dames & Moore, July 1991

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

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

TABLE 5 - GATEWAY NORTH

HOUSING PRICES BASED ON MONTHLY PAYMENT ABILITY

Income Status	Monthly Payment	Taxes Insurance	Net payment	Interest Rate	Term (Yrs)	Home Price
Very Low	$412.5	36.1	376.4	10.0%	30	$42,500
Low	$661.9	76.9	585.0	10.0%	30	$66,000

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

Source: Fishkind & Associates, Inc.

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

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

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

TABLE 7 - GATEWAY NORTH

ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY
GATEWAY NORTH SURVEY AREA

Monthly Housing Cost	# Units Available Annually		
	For Sale [1]	For Rent [2]	Total
Very Low $0 - $377	106	60	166
Low $378 - $662	294	42	336
TOTAL:	400	102	502

Source: Dames & Moore, July, 1991

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

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

Attachment 2

TABLE SR 16-1			
WETLAND #	LAND USE	ACRES	ACRES IMPACT
1	617	9.3	0.7
2	617	1.7	
3	617	0.7	0.7
4	617	1.4	
5	617	0.6	
6	617	1.3	
7	643	1.1	
8	643	1.1	
9	641	2.3	
10	643	5.2	
11	643	0.8	0.8
12	641	1.5	1.5
13	641	8.3	8.3
14	641	1.7	
15	641	2.9	2.9
16	643	0.6	0.6
17	617	2.6	
18	641	2.4	
19	643	0.2	
20	617	0.5	
21	641	0.9	
22	641	4 0	
23	641	1.9	
24	643	2.0	
25	641	3.5	
26	641	1.5	

TABLE SR 16-1			
WETLAND #	LAND USE	ACRES	ACRES IMPACT
53	617*	1.6	
54	617*	1.6	
55	617	6.9	
56	617*	2.8	
57	617*	4.8	
58	617*	4.2	
59	617*	5.1	
60	617*	4.5	
61	617	1.3	

ADOPTED: OCTOBER 1, 1991

FILED: OCTOBER 11, 1991

Effective:

ORDINANCE NO. 91-39 OCTOBER 11, 1991

SEWER USE ORDINANCE

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

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SUPERSEDING AND REPLACING ORDINANCE 88-01, SETTING FORTH THE NECESSITY FOR CONTROL OF THE USAGE OF THE PUBLIC WASTEWATER SYSTEM; PROVIDING DEFINITIONS; PROVIDING FOR USE OF THE PUBLIC WASTEWATER SYSTEM; SETTING FORTH PROHIBITIONS AND LIMITATIONS ON USE OF THE COUNTY SYSTEM; SETTING FORTH PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS; REQUIRING PERMITS; PROVIDING FOR FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; REGULATING HAULERS OF SEPTAGE; PROVIDING FOR PERMIT FEES AND OTHER CHARGES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR AN EFFECTIVE DATE AND FOR SEVERABILITY.

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

SEWER USE ORDINANCE 91-39

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ARTICLE II

DEFINITIONS

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

2.01 **ACT**: Means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

2.02 **BOD**: (denoting biochemical oxygen demand) - Means t quantity of oxygen utilized in the biochemical oxida of organic matter under standard laboratory procedur in five days at twenty degrees centigrade, expressed milligrams per liter.

2.03 **BYPASS**: The diversion of wastestreams from any portion of an industrial user's treatment facility.

2.04 **CATEGORICAL STANDARDS**: Means the National Categoric Pretreatment Standards.

2.05 **COOLING WATER**: Means the water discharged from any such as air conditioning, cooling, or refrigeration, for which heat is the major pollutant.

2.06 **COUNTY**: Means the Board of County Commissioners of Manatee County Florida, and all of the various depar working thereunder.

2.07 **CUSTOMER**: Means any user of the Manatee County Wastewater System.

2.08 **DIRECT DISCHARGE**: Means the discharge of untreated c treated sewage or wastewater directly to the waters c the State of Florida.

2.09 **DIRECTOR**: Means the Director of the Manatee County Works Department, or his authorized deputy, agent, or representative.

2.10 **DISSOLVED SOLIDS OR DISSOLVED MATTERS**: Means the solid matter in solution in the wastewater that can be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."

2.11 **DOMESTIC SEWAGE**: Means the sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which is substantially similar in

2.20 **MANATEE COUNTY WASTEWATER SYSTEM OR SYSTEM:** Means facilities and interests in the real and personal property owned, operated, managed or controlled by County now and in the future and used to provide wastewater service to existing and future customers within the service area of Manatee County.

2.21 **MAXIMUM CONCENTRATION:** Means the maximum permissib amount of a specified pollutant in a defined volume water or wastewater.

2.22 **MCPWD:** Means the Manatee County Public Works Department.

2.23 **NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDAARDS:** Means any regulation containing pollutant discharge limits promulgated b the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.

2.24 **NATURAL OUTLET:** Means any outlet into a watercourse pond, ditch, lake or other body of surface water or groundwater.

2.25 **NEW SOURCE:** Means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under Section 307(c)(33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (a) the construction is a sit at which no other source is located; (b) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced or (c) the production or wastewater generating processes are substantially independent of an existi source at the same site.

2.26 **NORMAL SEWAGE/NORMAL WASTEWATER:** Means the combined bath, laundry, garbage disposal, and sink discharges from residential properties.

2.27 **NPDES:** Means a permit issued pursuant to Section 40 of the Federal Water Pollution Control Act (33 U.S.C. 1342)

2.28 **PASS-THROUGH:** Means a discharge which exits Manatee County treatment plants into waters of the State of Florida in quantities or concentrations which causes a violation of any requirements of Manatee County's NPDES permit.

2.38 **SIGNIFICANT INDUSTRIAL USER:**

(a) Means all industrial users subject to categ pretreatment standards under 40 CFR 403.6 a 40 CFR Chapter I, Subchapter N, and any ind user that discharges an average of 25,000 g per day or more of process wastewater, or a industrial user who contributes a process w stream which makes up 5 percent or more of average dry weather hydraulic or organic capacity of the receiving wastewater treatm plants, or any industrial user who has a re able potential, in the opinion of the Indus Inspection Manager, to adversely affect the County's treatment process (inhibition, pass through of pollutants, sludge contamination, endangerment of Manatee County operators.)

(b) Upon a finding that an industrial user meeti the criteria as set forth above has no reasc potential for adversely affecting the County operation or for violating any pretreatment standard or requirement, Manatee County may any time, on its own initiative, and in acco with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industr user.

2.39 **SIGNIFICANT NONCOMPLIANCE:**

(a) Means chronic violations of Manatee County's discharge limits, defined here as those in w sixty-six percent or more of all of the meas taken during a six-month period exceed the d limits for the same pollutant parameter.

(b) Technical review criteria (TRC) violations, d here as those in which thirty-three percent o of all of the measurements for each pollutant parameter taken during a six-month period equ exceed discharge limits, or the average limit multiplied by the applicable TRC (TRC 1.4 for BOD, Total Suspended Solids, fats, oil and gr and 1.2 for all other pollutants with the exception of pH.)

(c) Any other violation of a pretreatment effluen limit that Manatee County determines has caus alone or in combination with other discharges interference or pass-through (including an endangerment to the health of Manatee County Personnel or the general public.)

(d) Any discharge of a pollutant

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

3.09 **UNLAWFUL DISPOSAL**: No person shall discharge into any natural outlet within the County, into any storm sewer, or anywhere other than an approved facility waste materials of any nature including but not confined to polluted waters, industrial wastes, septic effluent or overflow, sanitary sewage, hazardous materials, toxic materials, inflammable liquids, solid wastes, pesticides and heavy metals.

3.10 **OSHA STANDARDS**: All construction activity by MCPWD or by contractors responsible to MCPWD shall be conducted in accordance with safety standards established by the Federal Occupational Safety and Health Agency.

3.11 **DIRECTOR RESPONSIBLE**: Except as otherwise provided herein, the Director of MCPWD shall administer, implement, and enforce the provisions of this Ordinance.

3.12 **RIGHT TO ENTER**: Authorized personnel from MCPWD shall have the right to enter the premises of any individual or business that is discharging into the sanitary sewer system for the purpose of sampling and inspection and examining and copying records. Representatives of the State of Florida and EPA shall also have the right to enter the premises of any user who is subject to the requirements of this Ordinance.

(b) Any solid, semisolid, or viscous substances which may cause interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes. Specifically prohibited is the heating of the contents of grease traps and discharge to the County system.

(c) Any sewage or industrial process waste having a pH lower than five (5.0) or higher than ten (10.0), or any substance having any other corrosive or scaling properties capable of causing damage or a hazard to structures, equipment, lift stations, and/or personnel of the Manatee County Wastewater System.

(d) Toxic pollutants or any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any County Treatment Plant or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended and also known as the Clean Water Act, 33 U.S.C. 1251, et seq. The most stringent of national, state, and local toxic discharge limits shall be enforced.

(e) Noxious and malodorous materials, including any noxious or malodorous liquids, gases, or solids, other than normal sewage, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard.

(f) Materials affecting effluent and sludge disposal including any substances which may cause any

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

(a) High temperature wastewater, including any sewage or wastewater having a temperature in excess of 100 degrees Fahrenheit, which will inhibit biological activity in any treatment plant.

(b) Unshredded garbage including any garbage that has not been properly shredded to the extent that particles are 1/2" and less in size.

(c) Substances producing unacceptable odors, including any water or wastes containing phenols or other wastes in such concentrations that, after treatment, will exceed limits which may be established as necessary for reuse of effluent or sludge.

(d) Any radioactive wastes or isotopes of any description.

(e) Unacceptable flow rates - slugs including any organic pollutants, heavy metals, or oxygen demand pollutants released at a flow rate and/or pollutant concentrations which a user knows or has reasons to know will cause damage to Manatee County's Sanitary Sewer Collection System or the receiving wastewater treatment plants. In no case shall an intentional slug load be discharged into the County's sewer system. (For purposes of this Section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.) In cases of accidental slug releases, notification must be given to MCPWD within 24 hours, and must be followed up with a written report within 5 days of the slug release. This report must explain why the slug release happened and what measures will be taken to prevent such a spill in the future. The notification shall include:

(1) The date, time, location and duration of discharge.
(2) The type of waste including concentration and volume.
(3) Any corrective action taken by the user.

4.08 MANATEE COUNTY INDUSTRIAL DISCHARGE LIMITS

Parameter	Limit mg/l	Collection Method
Arsenic - Total	1.65	Composite
Beryllium - Total	0.35	Composite
Cadmium - Total	0.11	Composite
Chromium - Total	2.77	Composite
Copper - Total	3.38	Composite
Cyanide - Total	1.20	Grab
Lead - Total	0.69	Composite
Mercury - Total	0.11	Composite
Nickel - Total	3.98	Composite
Selenium - Total	1.65	Composite
Silver - Total	0.43	Composite
Zinc - Total	2.61	Composite
Total of 12 Metals	9.40	Composite
pH	5.0 - 10.0	Grab
Chloride - Total	350	Composite
Biochemical Oxygen Demand	1200	Composite
Suspended Solids - Total	1200	Composite
Oil and Grease - Total	140	Grab
Toxic Organic - Total	2.13	Grab

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

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

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

5.03 **COUNTY STANDARDS**: Maximum allowable concentrations of certain materials and elements are listed in the tables in Article IV. Dilution of discharge to meet concentration standards is not an acceptable method of meeting standards. Toxic parameters are not allowed in excess of the stated parameters. Article IV also specifies discharges to the County's system which are prohibited. Industrial and other users whose wastewater does not meet County standards must establish pretreatment facilities providing discharges meeting County standards.

5.04 **PRETREATMENT CANDIDATES**: The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewers: bleaching and dyeing, bottling, brewing, cotton textile manufacture, processing dairies, dairy products, distilling, fat rendering, film processing, galvanizing, glue manufacturing, laundromats, lens grinding operations, manufacturing of syrups, jams or jellies, plating facilities, meat packing, metal pickling or plating, munition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber products, salt works slaughterhouses, soap making, sugar refining, tanning, wood scouring or washing, or any person or industry producing industrial process waste, as defined, or any person producing wastes with strong acid or alkaline reactions which will form deposits in, or cause damage to, the sewers or to appurtenances of sewage treatment works. The Director of MCPWD may place additional industries on this list as needed.

5.05 **PRETREATMENT FACILITIES**: Users that must provide pretreatment facilities must design, construct, maintain, and monitor them at their own expense. Such facilities must provide protection against accidental discharge and such protection must be approved by the County prior to connection to the County system. Included must be an effluent sampling manhole (control manholes) which must be available to the County at all reasonable times for sampling. Use monitoring schedule must be approved by the County and monitoring results made available for review by the Coun

5.06 **ACCIDENTAL DISCHARGES**: Accidental discharges of prohibited materials or substances regulated by this Ordinance require, within 24 hours, telephone notification to the Director of MCPWD or his representative, MCPWD, or the representative in charge. Such notification does not relieve the discharger of any liability. Within 5 days following the occurrence the user shall provide the Director of MCPWD with a written report describing the cause of the discharge and measures taken to prevent future occurrences.

5.08 **SPILL PREVENTION PLANS:**

(a) Industrial users shall provide protection from accidental discharge of materials which may interfere with Manatee County's collection system or the receiving wastewater treatment plants by developing a spill prevention plan. Spill prevention plans shall be approved by MCPWD prior to construction of the facility. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

(b) Industrial users that store hazardous substances shall not contribute to Manatee County's Sanitary Sewer Collection System after the effective date of this Ordinance unless a spill prevention plan has been approved by Manatee County.

(c) MCPWD shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary. If the County decides that a slug control plan is needed, the plan shall contain the following elements:

(1) Description of discharge practices, includin non-routine batch discharges.
(2) Description of stored chemicals and quantities.
(3) Procedures for immediately notifying Manatee County of a slug load discharge, including any discharge that would violate a prohibition, with procedures for follow-up written notification within five days.
(4) If necessary, procedures to prevent adverse impact from accidental spills, maintenance of materials, control of plant site runoff, worker training, building of containment structures, and/or measures and equipment for emergency response.

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

5.10 MEASUREMENTS, TESTS, ANALYSES: All sampling measurem tests and analyses of the characteristics and composi of waters and wastes to which reference is made in th Ordinance shall be done in accordance with regulation specified in 40 CFR 136 which must be used for compliance testing by all industrial users. Methods f Chemical Analysis of Water and Wastes, and any applic regulations as published by the USEPA for sampling wh shall be at the control mannole, or sampling site as designated by MCPWD. If such a site is not available is incumbent upon the user to place in line, a suitab sampling port, which must be approved by MCPWD.

5.11 BASELINE REPORT (for categorical dischargers only)

(a) Industrial users subject to National Categorical Pretreatment Standards shall submit Baseline Re to MCPWD in a form prescribed and furnished by MCPWD.

(b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4) whichever is later, industrial users which are e ing sources subject to such National Categorical Pretreatment Standards and currently dischargin into the Manatee County Wastewater System, shall submit a properly completed Baseline Report.

(c) New sources, when subject to a National Categori Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge, to MCPWD.

(d) In support of the Baseline Report, the industria user shall submit in units and terms specified i the application, the following information:

(1) Name and address of the facility, including the name of the operator and owners.
(2) List of any environmental control permits held by or for the facility.

data necessary to comply with the requirements of this paragraph.

(5) A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.

(7) If additional pretreatment of O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

(i) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste stream formula (40 CFR 403.6(e), or net/gross calculations (40 CFR 403.15) at the time the industrial user submit a Baseline Report, the information required in Section 4.1(d)(6) and (7) shall pertain to the modified limits.

(ii) If the National Categorical Pretreatme Standard for the industrial user is modified after the Baseline Report is submitted, the industrial user shall make any necessary amendments to information provide as a response to Section (d)(6) and (7) and submit them to MCPWD within 60 days after the modified limit is approved.

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

5.12 PERIODIC COMPLIANCE REPORTS:

(a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into Manatee County's Collection System, shall submit to MCPWD during the months of June and December, unless required more frequently in the pretreatment standard or by the Industrial Inspection Manager a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 5.11(d)(2). At the discretion of the Director of MCPWD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of MCPWD may alter the months during which the above reports are to be submitted.

(b) Significant noncategorical industrial users shall submit to the MCPWD at least once every six months (on dates specified by the Director of MCPWD) a description of the nature, concentration, and flow of the pollutants required to be reported by MCPWD.

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

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

All reports signed by the above named authoriz representative of industrial users shall conta the following statement:

> I certify under penalty of law that this document and all attachments were prepare under my direction or supervision in accordance with a system designed to assu that qualified personnel proterly gather evaluate the information submitted. Base on my inquiry of the person or persons wh manage the system, or those persons direc responsible for gathering the information the information submitted is, to the best of my knowledge and belief, true, accurat and complete. I am aware that there are significant penalties for submitting fals information, including the possibility of fine and imprisonment for knowing violati

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

ARTICLE VI

PERMITS REQUIRED

6.01 PERMIT ESTABLISHED: The County hereby establishes industrial wastewater discharge permit. The Director may include reasonable and necessary terms, and conditions in the permit. A permit will not be is until all applicable fees and charges are paid and provisions of this Ordinance are otherwise met.

6.02 LATERAL SEWER PERMITS: Lateral sewer lines from t sewer main to the property line are installed by a shall be the responsibility of MCPWD. The portion of the lateral from the property line to t structure is under the jurisdiction of the Manatee County Planning and Development Department. Speci ations for on site laterals are set forth in the M County Plumbing Code. Off site specifications are forth in Manatee County Public Works uniform sewer specifications.

6.03 WHERE REQUIRED: All industrial users who discharg the Manatee County wastewater system must first ob a permit. Industrial dischargers connected to the system prior to the effective date of this Ordinan have six (6) months to apply for a permit, but such discharger is subject to all other provisions of t Ordinance.

6.04 PERMIT APPLICATION: An application form prescribe the County must be completed and filed with MCPWD Where appropriate, the applicant shall submit:

(a) Name, address, telephone number of applicant, location of the industrial facility, and name address of the owner of the premises from wh wastewater is to be discharged.

(b) A description of the operations and processes utilized by the operations, type and amount o raw materials processed and type of products produced.

(c) Average daily and peak hourly wastewater flow rates, include daily, monthly and seasonal variations, if any, and estimated time and duration of daily and peak flows.

(h) Requirements for collecting and retaining plant records relating to an industrial user discharge

(i) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the pretreatment system.

(j) Requirements for notification of spills, release of slug loads, and upsets or violations.

(k) Requirements for installation, operation and maintenance of pollution control equipment.

(l) Requirements to implement spill and slug control plans.

(m) Statement of civil and criminal penalties for violation of Federal laws and this Ordinance.

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

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

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

6.08 MODIFICATION OF PERMITS:

(a) The terms and conditions of any permit may be changed by the County during the life of the permit to accommodate changes in local, state, or federal regulations or in the event that data upon which the permit was issued has changed— permit holders shall be notified of a change sixty (60) days prior to the effective date of the chan

(b) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require

ARTICLE VII

FEES AND CHARGES

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

(a) Provide sufficient revenue to fund all operation, maintenance, replacement, and debt service cost of the system;

(b) Be based on actual quantities and quantities discharged to the system by user;

(c) Be based on equitable distribution of operation and maintenance costs to each class of customer or user;

(d) Be based on experience and itemized budgeted costs approved by the Board of County Commissioners;

(e) Allow for annual or biennial review; and

(f) Provide for notification of proposal rate changes pursuant to law.

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

8.04 REVOCATION OF PERMIT: In addition to the revocation condition of 8.03, any user who violates any of the following conditions or applicable Federal and State regulations is subject to having his permit revoked

(a) Failure to factually report the wastewater discharge constituents and characteristics.

(b) Failure to report significant changes in wastewater constituents and characteristics.

(c) Refusal of reasonable access to the user's premises.

(d) Obtaining a permit by misrepresentation or failure to fully disclose.

(e) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(f) Violation of any of the conditions of the permit

8.05 DISCHARGING WITHOUT PERMITS: Any industry discharging to the County's system without a permit, in addition all other penalties will be charged twice the normal permit fee. Normal permit fees are as provided in the Ordinance.

8.06 DISCHARGING TOXIC SUBSTANCES: In addition to any other penalties, the full costs to the County of disposal treatment and all other related costs related to toxic substances in the wastewater will be charged to the discharger.

8.07 DISCHARGES RESULTING IN CORRECTIVE MAINTENANCE, REPAIR OR REPLACEMENT: In addition to any other penalties, discharges that result in damage to any component of the system, or the clogging of lines, will result in repair, maintenance, and replacement costs being charged to the offender.

ARTICLE IX

WASTE HAULERS AND SEPTAGE

9.01 WASTE HAULER: Waste Hauler is defined as any person, commercial or industrial enterprise, permitted, licens or otherwise allowed to carry or carrying solid waste, sewage, sewage sludge, chemical wastes or biological materials, which may otherwise be defined as "septage. The waste hauler is subject to all parts of this Ordir and to any and all parts of 40 CFR 403.

9.02 WASTE HAULER PERMIT: A waste hauler must, in addition to any other permit, have a valid, current permit to discharge septage at any treatment facility operated b Manatee County. This permit to discharge septage, sha be issued by the Industrial Compliance Office of MCPWI Permits may be obtained from the Industrial Compliance Office by completing the necessary application form.

9.03 WASTE HAULER MANIFEST: Any waste hauler discharging into any Manatee County treatment facility shall have a manifest before any discharge will be allowed. Thi manifest shall include the origin of all septage to b discharged. This means:

(a) The name and address of the facility from which the waste hauler picked up the septage.

(b) A description of the septage as to being:

(1)Residential
(2)Commercial
(3)Industrial
(4)Otherwise

(c) Detailed description.

(d) The date of the pick up.

(e) The time of the pick up.

(f) Person(s) responsible from which the septage wa taken.

9.04 MANIFEST FORMS: The manifest forms must conform to the example as shown on figure 9.04(A).

9.05 SEPTAGE UNLOADING FEE: A septage unloading fee shall be based upon a rate of twenty-eight dollars($28.00) per thousand(1000) gallons. The minimum fee shall be twenty-eight dollars($28.00).

9.06 CONTAMINATED SEPTAGE: Any Waste Hauler and the person(who generated the septage being hauled shall be responsible for any introduction of materials that are over burdened with conventional or toxic parameters as described in Article IV of this Ordinance, or that are otherwise harmful to the treatment facility as described in this Ordinance. This means that the Waste Hauler and the person(s) who generated the septage will be subject to all fines and any other charges as stated within this Ordinance.

9.07 NUMBER OF SEPTAGE LOADS: If the number of Waste Hauler and the amount of septage poses a hydraulic or other threat to the treatment facility, in the opinion of the treatment facility superintendent, all such loads may b rejected and rescheduled for a different time or a different treatment facility.

9.08 SEPTAGE DISCHARGE: Septage may be discharged during normal working hours as designated by the treatment facility superintendent. The superintendent shall reserve the right to deny any and/or all septage discharges for any reason. All trucked and hauled septage waste shall be discharged into Manatee County's Septage Receiving Station located directly west of the Southwest Regional Wastewater Treatment Plant.

9.09 SEPTAGE SAMPLING: Septage may be sampled by the treatment facility personnel prior to, during, or after discharge, to insure compliance with this Ordinance. If there is any reason to suspect the septage as being potentially harmful, the septage will be sampled and analyzed prior to discharge, if possible.

9.10 MODIFICATION, TRANSFERABILITY, REVOCATION, FINES, AND PENALTIES: The Director of MCPWD reserves the right to modify the Waste Hauler's Permit at any t The modification of said permit will come from the Director, in writing, with at least five (5) days advance notice. At no time is the transferring of a permit to another vehicle, company, person, industry, or enterprise allowed. Any person, company, industry or enterprise found doing so will be subject to fines and/or revocations of the permit as defined in this Ordinance.

ARTICLE X

PERMIT FEES AND OTHER CHARGES

10.01 INSPECTION FEES:

(a) Inspection fees are to be charged at the rate of twenty-five dollars ($25.00) per hour with the fee not to exceed one huundred fifty dollars ($150.00 for the inspection phase of the permitting proces:

(b) Violation inspection or if an industry or commercial operation is found to be out of compliance, the industry or commercial operation will be charged at the rate of thirty-five dollar: ($35.00) per hour per person per visit until said industry or commercial operation comes into compliance.

(c) Analytical costs or the costs of performing analyses on a non-compliance operation will be charged at the current analytical rate as charged by the MCPWD laboratory and/or with any charges incurred by the County in conjunction with another outside laboratory performing analyses that are not analyzed by the MCPWD laboratory.

(d) Any analytical cost not covered or any cost incurred in the analytical field during a non-compliance inspection, will be billed to the violator at the County's cost plus the handling charges incurred by the County.

10.02 INDUSTRIAL DISCHARGE PERMIT FEE:

(a) Type I.....$1,800.....3 Year Period

(b) Type II.....$900.....3 Year Period

(c) Type III.....$250.....3 Year Period

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

11.06 ADMINISTRATIVE SURCHARGES: Notwithstanding any other section of this Ordinance, any industrial user who is found to have violated any provision of this Ordinance, or of permits, or of orders issued hereunder shall be charged an amount not to exceed one thousand dollars ($1000.00) per day of violation. Such assessments shall be added to the industrial user's next scheduled sewer service charge.

11.07 EMERGENCY SUSPENSION: The Director may suspend an Industrial Discharge Permit if such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of County workers, any treatment plant, or the environme Any industrial user notified of a suspension shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediat comply with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The Director shal allow the user to recommence its discharge when the endangerment has passed. An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a written statement descri the cause of the harmful contribution and the measure taken to prevent any future occurrence, to the Direct

11.08 ENFORCEMENT - JUDICIAL REMEDIES: If any person discharges sewage or industrial waste into Manatee County's Sanitary Sewer Collection System contrary to the provisions of this Ordinance, or any order or permit issued hereunder, the County, through the County Attorney, may commence an action for appropria legal and/or equitable relief in the Courts of Manatee County.

11.09 INJUNCTIVE RELIEF: Whenever an industrial user has violated or continues to violate the provisions of this Ordinance, or of any permit, or of orders issued hereunder, the County, through the County Attorney ma petition the court for the issuance of a preliminary or permanent injunction, or both, which restrains or compels the activities of the industrial user.

(c) The Director or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence.

(d) The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.

(e) If the alleged violating user is represented at the hearing by counsel, the MCPWD shall likewise be represented by the Office of the County Attorney

(f) The Director shall issue written findings as soon after the hearing as is practicable.

(g) The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to MCPWD no later than ten (10) days after the violator's receipt of the Director's written findings.

GATEWAY NORTH

WILDLIFE MANAGEMENT PLAN

December 9, 1993

Prepared For:

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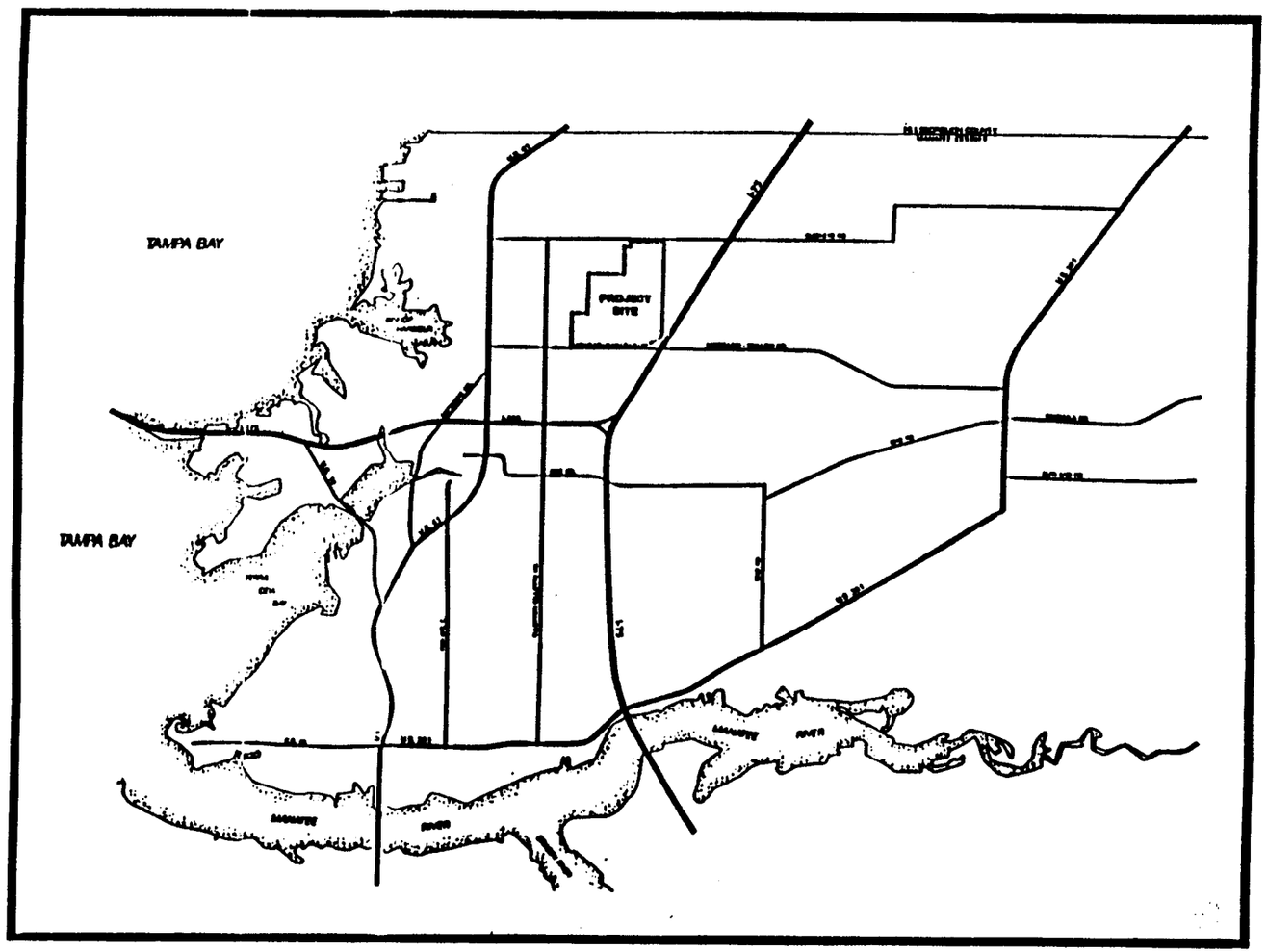


FIGURE 1. GATEWAY NORTH PROJECT LOCATION.

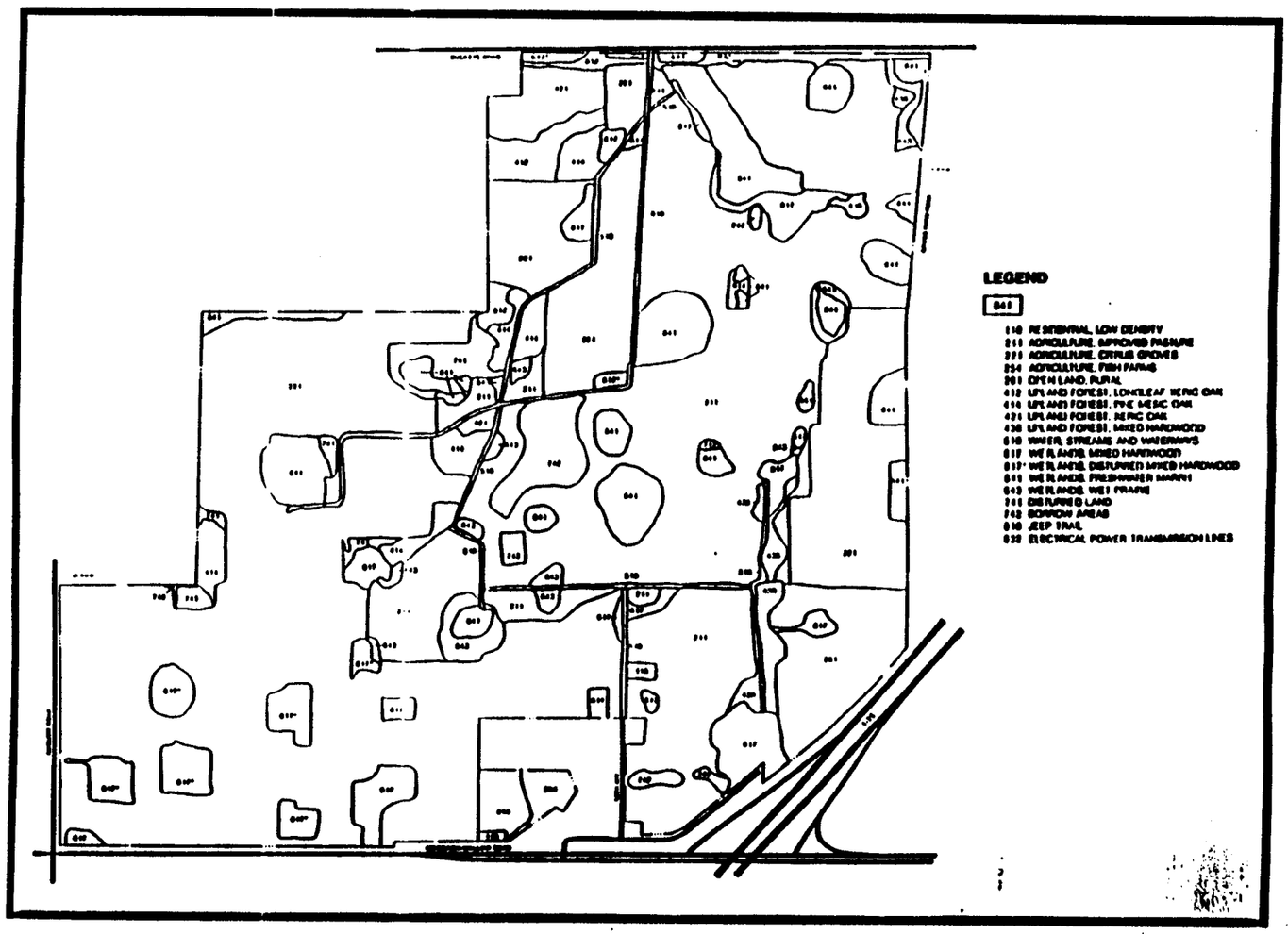


FIGURE 2. GATEWAY NORTH LAND USE AND EXISTING VEGETATIVE ASSOCIATIONS.

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

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

3.1 Wetland Surveys

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

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

3.2 Upland Surveys

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

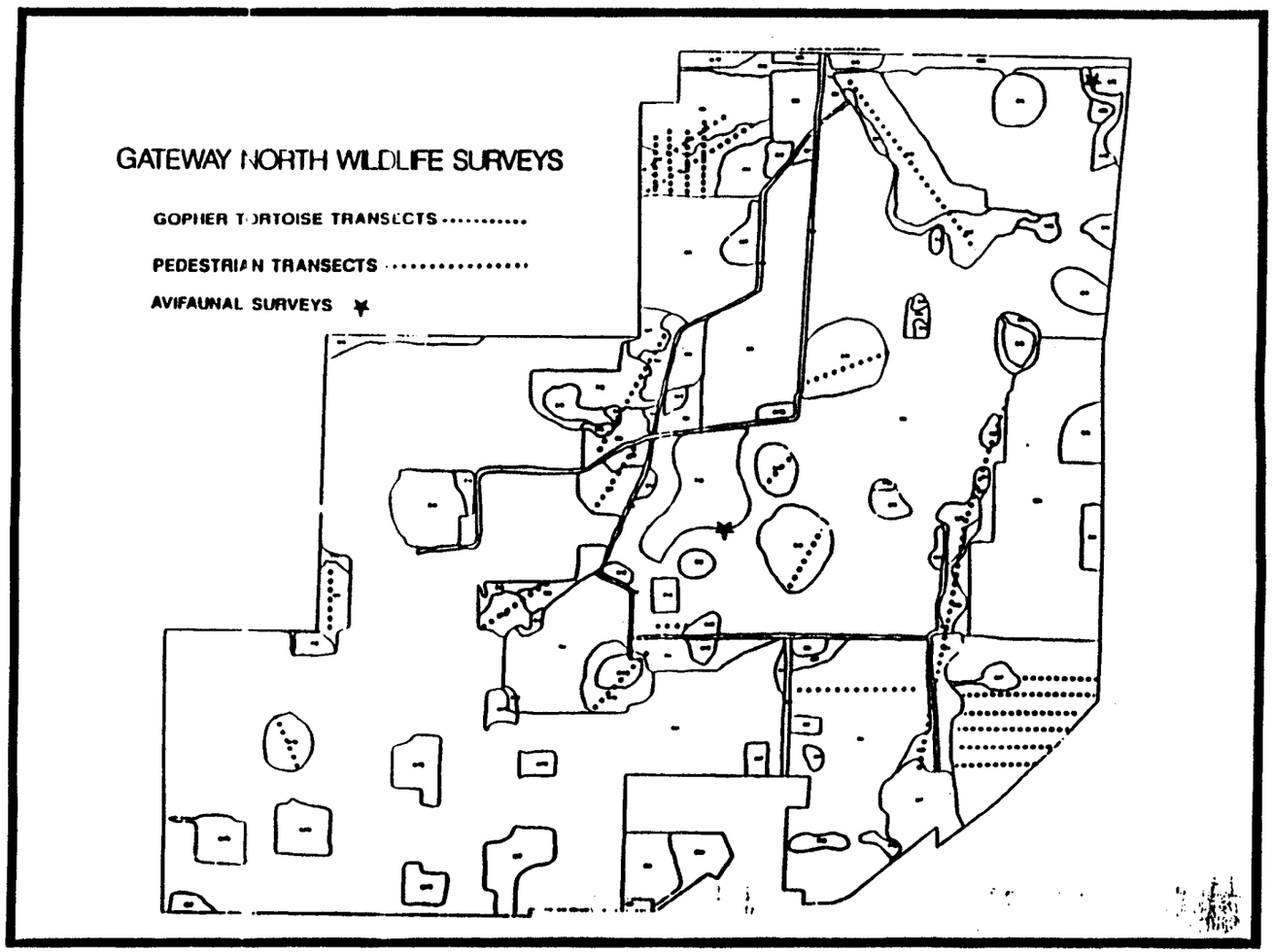


FIGURE 3. GATEWAY NORTH WILDLIFE SURVEYS.

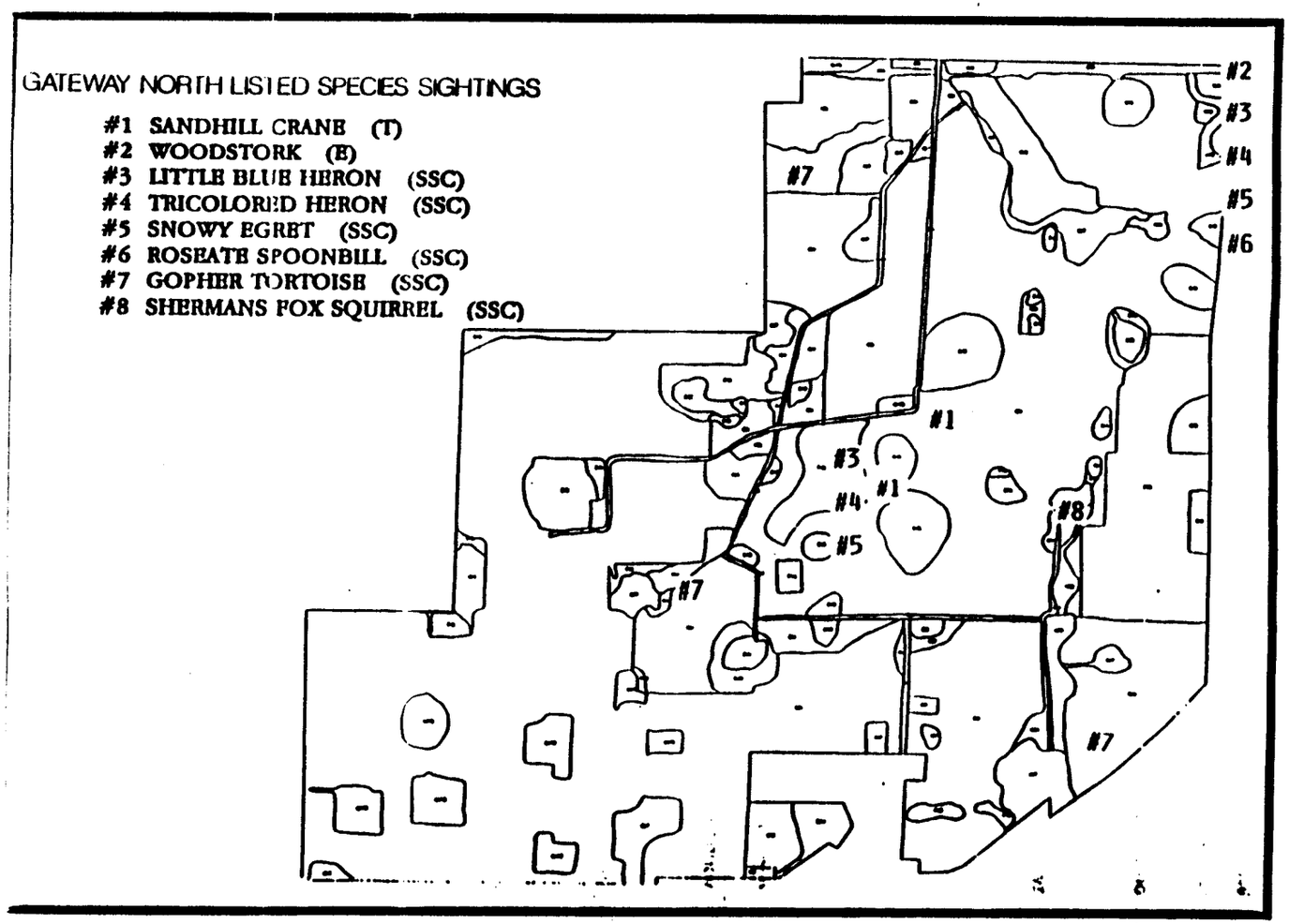


FIGURE 4. GATEWAY NORTH LISTED SPECIES SIGHTINGS.

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

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

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

4.0 HABITAT CONSERVATION AND MANAGEMENT

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

4.1 Wading Birds

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

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

4.3 Gopher Tortoise

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

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

4.4.1 Park Site

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

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

4.4.1.1 Prescribed Burning

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

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

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

4.4.1.2 Mechanical Treatment with Burn

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

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

4.4.1.3 Management Schedule

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

Services guidelines[2]. Any recreational uses not consistent with the referenced guidelines would occur outside of the Gopher tortoise habitat protection area.

5.0 MONITORING

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

5.1 Vegetative Monitoring

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

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

1) The average height of saw palmettos;

2) The cover of canopy (*i.e.*, with a dbh greater than 4") trees;

3) The cover of herbaceous vegetation less than six inches tall and bare ground. The cover of wire grass, a preferred species of the gopher tortoise, will be specifically recorded.

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

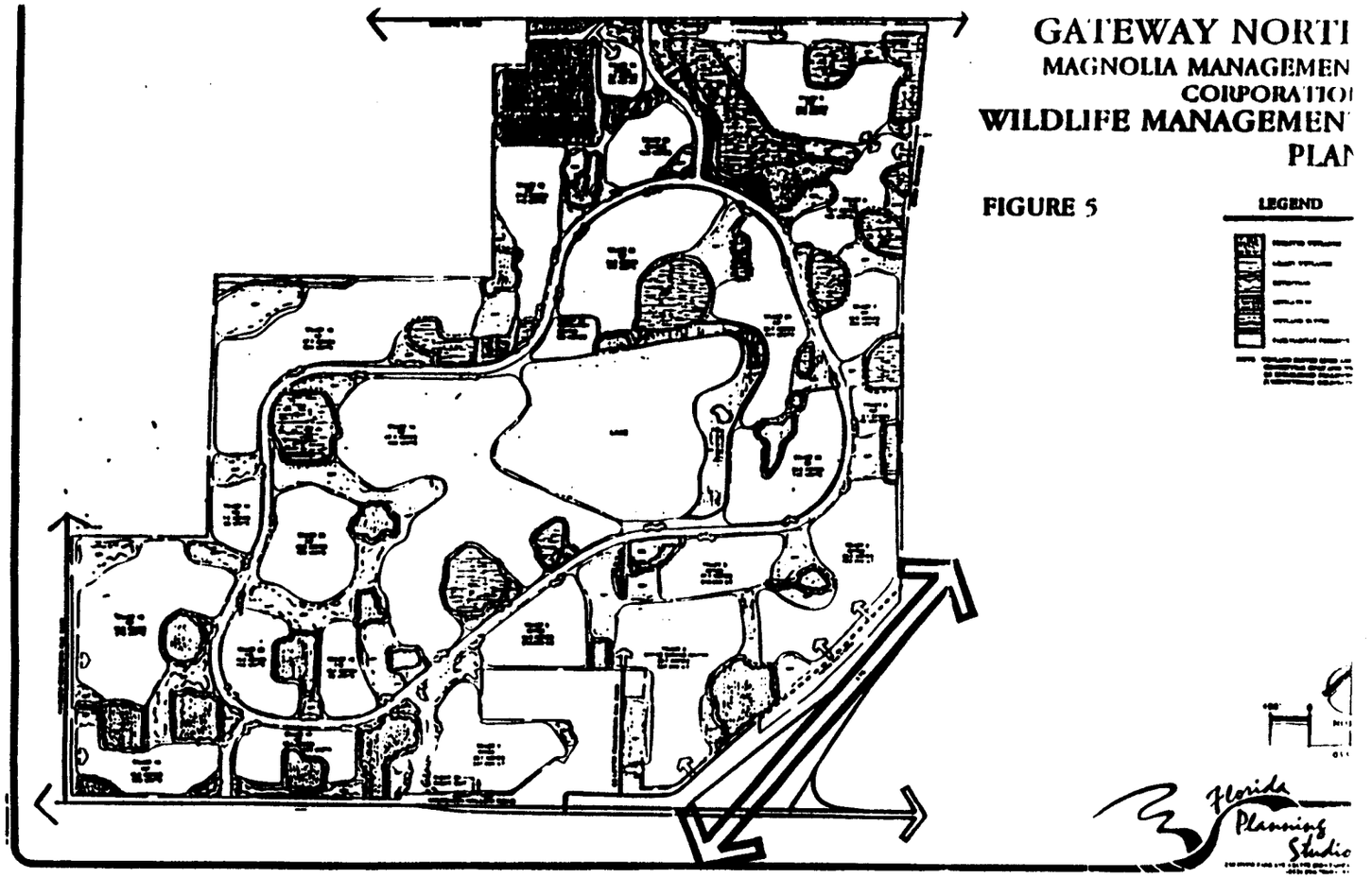
7.0 PROVISION AND ACCEPTANCE

7.1 Manatee County/Environmental Action Commission

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

7.2 Florida Game and Fresh Water Fish Commission

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



GATEWAY NORTI
MAGNOLIA MANAGEMEN
CORPORATIO
WILDLIFE MANAGEMEN
PLA

FIGURE 5

LEGEND

Florida Planning Studio

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the for-going is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 22 day of August 19 91.
R. B. SHORE
Clerk of Circuit Court
By: Angela Dixon D.C.

MANATEE COUNTY
GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

218

April 15, 1994

SENT: VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
P 260 314 527

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Re: Cooper Creek DRI and Gateway North DRI Amended Development Orders

Dear Ms. Greene:

Enclosed is a certified copy of the Corrective Document approved by the Board of County Commissioners on April 5, 1994 for the amended development order (R-93-300) for Cooper Creek.

Also enclosed are pages 3 through 31 of Ordinance 93-49, which amended the Gateway North DRI Development Order and was approved by the Board of County Commissioners on February 24, 1994. This ordinance was rendered to you on March 10, 1994; however, pages 3 through 31 were inadvertently omitted.

If you have any questions, please call (813) 749-3070. Thank you for your attention to this matter.

Sincerely,

Betsy Benac
Assistant Director

BB/jy
Enclosure

revised 4/15/94

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

March 10, 1994

SENT: VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Greene:

Please find enclosed a certified copy of Manatee County Ordinance 93-49, the ordinance which amends the Development Order for Gateway North (Manatee County DRI #21, AKA Tampa Bay Regional Planning Council [TBRPC] DRI #218). This document was approved by the Manatee County Board of County Commissioners in open session on February 24, 1994.

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, please call (813) 749-3070. Thank you for your attention to this matter.

Sincerely,

Betsy Benac
Assistant Director

BB/jy
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

ORDINANCE 93-49
(fka ORDINANCE 92-30)

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY MAGNOLIA MANAGEMENT CORPORATION FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 21), ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, a settlement agreement has been entered into between Property Reserve, Inc., a Utah Corporation ("Owner"), as current successor in interest to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, Magnolia Management Corporation ("Developer"), and the Department of Community Affairs ("DCA"); and

WHEREAS, the settlement agreement resolves all of the concerns of the Department of Community Affairs ("DCA"); and

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

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

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

WHEREAS, the Board of County Commissioners of Manatee County on October 28, 1993, December 16, 1993, January 27, 1994 and February 24, 1994 held duly noticed public hearings on said amendment to the Gateway North DRI, and has solicited, received and considered all testimony, reports, comments and recommendations from interested citizens, County* and City agencies, and the applicant, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 24th DAY OF FEBRUARY, 1994, AS FOLLOWS:

The previous Development Order for Gateway North in Manatee County, which was adopted on April 9, 1992, is hereby amended as provided in 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 not specifically herein or otherwise modified or amended.

SECTION 1. FINDINGS OF FACT:

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

A. That said Board of County Commissioners held public hearings on October 28, 1993, December 16, 1993, January 27, 1994 and February 24, 1994 regarding said amendment to the DRI and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (The Manatee County Land Development Code) and Ordinance No. 89-01 (The Manatee County Comprehensive Plan) and has further considered the testimony, comments and information received at the public hearing.

B. The proposed DRI regarding the property described in Section 7 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (The Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.

C. The Developer* of the Project* submitted to Manatee County, Florida an Application for Development Approval* which included a Sufficiency Response, which is incorporated herein by reference.

D. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very low income households and the existing housing supply (see Attachment 1).

E. The real property which is the subject of this Development Order is legally described as set forth in Section 7 herein.

F. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

G. The authorized agents and their addresses for the Project* are Georgianne Ratliff, 7550 Lorraine Road, Bradenton, Florida 34202, and David Smith or David Cooley, Smith and Williams, Old Hyde Park, 712 South Oregon Avenue, Tampa, Florida 33606-2569.

H. The owner of the property, which Magnolia Management Corporation intends to develop, is Property Reserve, Inc., a Utah corporation.

I. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 2. CONCLUSIONS OF LAW:

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

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning

Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on September 16, 1991.

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

C. That the review by the County*, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 3. DEVELOPMENT COMPONENTS:

A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service has been issued for the land uses listed in Phase 1, Table 2, and Phases 2 and 3 are conceptually approved. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3, the Development Order must be amended, and Certificates of Level of Service must be obtained for Phases 2 and 3 for land uses and acreage, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage and solid waste, as required by the Manatee County Land Development Code.

TABLE 1
LAND AREA AND USES

Column A Use	Column B Acres	Column C Square Feet	Column D Units	Column E Land Use Exchange Maximum Increase
Office	75.8	960,500		6 acres, or 60,000 sq. ft.
Office/ Service	35.7	397,500		6 acres, or 60,000 sq. ft.
Commercial	30.4	445,200		6 acres, or 50,000 sq. ft.
Residential Single Family	297.3		1,647	Increase of combined residential dwelling units of 171 dus, regardless of type
Townhouse	48.7		431	
Multi-Family	68.4		1,348	

Lake	72.9		
School	15.9		
Park	24.3		
Recreation Center	5.3		
Wetlands	153.4		
Mitigation	26.5		
Detention	151.6		
Open Space	8.8		
R.O.W. Transmission Lines	50.0		
Totals:	1,065.0±	1,803,200	3,426

The amounts of the various uses (Residential, Commercial, Office and Office/Service Center*) within the Project* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in columns B, C and, D of Table 1 above, provided that the final Project* meets the following conditions:

a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.

b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: Lake, school, park, recreation center, wetlands, mitigation, detention, open space and R.O.W. Transmission Lines.

c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 3A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

	Phase 1: 1992-1997	Phase 2: 1998-2004	Phase 3: 2005-2011	Totals
Residential (dus):				
Single Family	550	550	547	1,647
TH	120	155	156	431
Multi-Family	330	515	503	1,348
Totals:	1,000	1,220	1,206	3,426
Commercial (sq.ft.)	160,000	150,000	135,200	445,200
Office (sq.ft.)	260,500	300,000	400,000	960,500
Office/Service Center* (sq.ft.)	100,000	150,000	147,500	397,500
School (acres)	15.9			15.9
Park (acres)	24.3			24.3
Recreation Center (acres)		5.3		5.3

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

a. The number of Residential units within any phase may not be increased or decreased by more than five hundred dwelling units.

b. The square footage of Commercial within any phase may not be increased by more than one hundred fifty thousand square feet or decreased by more than one hundred thousand square feet.

c. The square footage of Office within any phase may not be increased more than seventy thousand square feet or decreased by more than one hundred thousand square feet.

d. The square footage of Office/Service Center * within any phase may not be increased more than ninety-nine thousand square feet or decreased by more than fifty thousand square feet.

C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage and parks, and recreation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Site Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

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

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

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed establishing to the satisfaction of the County that some modification in the ITE Rates is appropriate based upon sound traffic engineering principles)

and the relative proportions of trips produced by attractors and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor/generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution and/or particular roadway segments designated by the County.

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

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

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

SECTION 4. DEFINITIONS:

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

A. "Application for Development Approval*" or "ADA" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Attachments 2 and 3 (Revised Map H and Preservation/Conservation Map, respectively).

B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g.,sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

C. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee.

D. "Developer*" shall mean Property Reserve, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process and/or Construction Drawing approval where site plans or subdivision plats are not required.

F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;

2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;

4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

H. "Office/Service Center*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.

I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map attached hereto as Attachment 3.

J. "Project*" shall mean the land uses by area, square footage, density and phase described in the ADA* to be constructed on the real property described in Section 7 herein.

K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

L. "Wildlife Management Plan*" shall mean the document entitled Gateway North Wildlife Management Plan dated December 9, 1993 and approved by the Florida Gam and Freshwater Fish Commission, the County* and the Environmental Action Commission.

SECTION 5. DEVELOPMENT CONDITIONS:

Transportation

A.(1) Access to and from the site will be in accordance with state and local access regulations and as shown generally on Revised Map H.

A.(2) The existing I-75 frontage road will be extended through the property at the cost of the Developer* and dedicated to the County* prior to Development Approval* of Phase 2, but in all events prior to development of the office pod located contiguous to the frontage road as extended, which will use the frontage road for ingress and egress.

A.(3) Provisions will be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road in later phases. This road will be constructed at the cost of the Developer* prior to Development Approval* of Phase 2 or prior to Development Approval* for the neighborhood commercial proposed at the intersection of Gateway Boulevard and Buckeye Road, whichever occurs first. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(4) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(5) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.

A.(6) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.

A.(7) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(8) When Certificates of Occupancy have been issued for 280,000 square feet of commercial space (land use 820 of Trip Generation, Fourth Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

A.(9) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be

reviewed by Manatee County, Metropolitan Organization, Florida Department of Transportation (FDOT) and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

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

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

OBJECTIVES:

-- Increase urban area peak automobile occupancy rates by 10% by 1995 through expanded ride sharing efforts.

-- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 1995.

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

1. For approval of all Phase 1 development, funds must be committed by responsible entities for all improvements listed in Table 3 prior to any development of Phase I of the project. Construction and installation of such improvements must be completed within two years of the effective date of this Development Order, OR alternatively

2. The Developer* may elect to proceed with subphases of Phase 1 pursuant to the subphase traffic analysis provided as part of the ADA*. Specific approval is granted for the first subphase of development, which generates up to 500 p.m. peak hour inbound external trips or 587 p.m. peak hour outbound external trips, whichever is the lesser. In order to proceed beyond the first subphase, the westbound left turn lane at Moccasin Wallow and U.S. 41 must be under construction or committed for funding in the first year of the capital improvement program or work program. When such improvement is under construction, or so committed, specific approval is hereby given for the second subphase, which allows for development which generates up to 617 p.m. peak hour inbound external trips or 671 p.m peak hour outbound external trips, whichever is the lesser. In order to proceed

beyond the second subphase, the improvement of Moccasin Wallow Road to a four lane divided cross section to Ellenton-Gillette Road must be either under construction or committed for funding in the first year of a capital improvement program or work program. Access and intersection signalization improvements will be provided as required by site development and when signal warrants are met.

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

TABLE 3

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

Link	From	To	Improvement
Moccasin-Wallow	Ellenton-Gillette	I-75	2LD to 4LD

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

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

Location	Required Improvement
Moccasin Wallow @ U. S. 41	Signalize WB left turn lane
Moccasin Wallow @ Ellenton-Gillette	Signalize
Moccasin Wallow @ Frontage Rd.	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane

Moccasin Wallow ● Site Access Road A (Gateway Boulevard)	**Signalize** **SB left turn lane** **SB right turn lane** **WB right turn lane** **WB through lane** **EB left turn lane** **EB through lane**
Moccasin Wallow ● Site Access Road B (Westernmost link to internal loop roadway)	**Signalize** **SB left turn lane** **SB right turn lane** **WB right turn lane** **WB through lane** **EB left turn lane** **EB through lane**
Moccasin Wallow ● I-75 (west ramps)	**Signalize**
Moccasin Wallow ● I-75 (east ramps)	**Signalize**
Moccasin Wallow ● U. S. 301	**Signalize**

Wetlands

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

B.(2) **Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas* as depicted on the attached Preservation/Conservation Map. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Environmental Action Commission (EAC), the Department of Environmental Regulation (DER) or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.**

B.(3) **All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* on the attached Preservation/Conservation Map, shall be mitigated in accordance with the Manatee County Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios in limited circumstances, but in no instance at a ratio of less than 1.15:1.**

B.(4) **Table 16.1 attached hereto with Figure 16.1 (Attachments 4 and 5, respectively) identify wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Those wetlands identified in said Table and Figure to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall**

reevaluate Table SR16-1 and Figure 16.1 from the Sufficiency Response to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.

B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* and the EAC for approval, and the TBRPC, DER and the SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

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

   a. Identification of existing dry and wet season site conditions;

   b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetlands type;

   c. Photographs and 24"X36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

   d. Narrative descriptions of any proposed wetland restoration activities and related issues;

   e. Estimated costs of wetland mitigation/restoration schemes; and

   f. Mitigation plans shall also include:

      (1) Area and location of plantings;

      (2) Species to be planted and spacing;

      (3) Elevations for plantings;

      (4) Source of plants and/or mulch;

      (5) Source of wetlands soil and depth proposed; and

      (6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require type-for-type wetland replacement in accordance with the Manatee County Land Development Code. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland/littoral shelf shall meet or exceed an eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas

shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers/setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer shall comply with the provisions of the approved Wildlife Management Plan* (dated December 9, 1993), appended to and made a part of this Development Order (Attachment #7).

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the Wildlife Management Plan* referenced in Condition C.(1).

C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EAC for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.

C.(4) As part of the Wildlife Management Plan* referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the attached preservation/conservation map.

C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the EAC consistent with the provisions of the Manatee County Comprehensive Plan.

C.(6) Any proposal to change upland preservation areas, as shown approximately on Attachment 3, shall be a substantial deviation, pursuant to Subsection 380.06(19), F.S.

Land

D.(1) 1. The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

a. Sod, seed or plant embankment areas of stormwater detention and/or retention ponds;

b. Sod, seed, mulch or landscape cleared or disturbed areas as soon as possible after clearing and grading;

c. Limit site work and construction to areas needed for immediate development;

d. Develop asphalt roads as soon as possible;

e. Initiate landscaping before development work is completed on a site;

f. Construct sediment basins at the start of each drainage system phase;

g. Utilize straw filter barriers and/or filter fabric at discharge points including, but not limited to, temporary discharge points; and

h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

E.(1) 1. The Developer* shall institute the following procedures to ensure dust control during development of the Project*:

a. Implement a watering program during excavation, and dredge and fill operations;

b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;

c. Treat disturbed areas after clearing, grading, earth moving or excavation is completed by watering, revegetation, spreading soil binders or compacting fill material until areas are paved or developed;

d. Keep soil stockpiles moist, and/or treat with soil binders or cover;

e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

f. Remove dust producing materials as soon as possible;

g. Maintain 15 mph or less vehicle and equipment speeds on temporary roads;

h. Clean (sweep) paved roads adjacent to site as necessary;

i. Sod, seed, mulch or landscape cleared or disturbed areas, including embankment areas, of stormwater detention and/or retention ponds as soon as possible after clearing and grading;

j. Limit site work and construction to areas needed for immediate development;

k. Develop asphalt roads as soon as possible; and

l. Initiate landscaping before development work is completed on site.

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

Water Quality and Drainage

F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DER, SWFWMD and the TBRPC for review and to the County* for approval. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of the SWFWMD, the County* and the EAC, whichever is more stringent; to provide retention, or detention with filtration/ assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

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

F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD and the DER for review, and to the County* for approval, prior to further Development Approvals*.

F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.

F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County* and the SWFWMD. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DER, the County* and the SWFWMD. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional and local water quality standards as compared to stormwater entering the site. Any violation of Rule 17-3, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DER. The surface water quality monitoring plan shall include the following generalized provisions:

1. Pre-construction monitoring:

   a. Sampling will be initiated at least one year before the start of construction.

   b. Sampling events will be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater, until the start of construction.

c. Sampling locations will be at the five sites identified on page SR11/12-19 of the ADA*Sufficiency Response.

2. Construction monitoring:

a. Sampling will be conducted as soon as practicable after each rainfall event of one inch or greater within the drainage basin(s) where construction activities are occurring. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.

b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and the SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

a. Sampling events will be conducted quarterly, two wet season and two dry season, and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout.

b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

4. Monitoring Reports:

a. Monitoring reports will be submitted to the County* on a quarterly basis during pre- and post-construction and monthly during construction.

b. An official laboratory report shall also be submitted to the County*, the SWFWMD and the TBRPC as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County* and the SWFWMD. At a minimum, field tests at all sites will include temperature, ph, specific conductance, dissolved oxygen, and flow. Samples will be analyzed by a Florida certified laboratory for at least nutrients (total phosphorus, orthophosphorus, ammonia, nitrate, nitrite, TKN, total nitrogen) pesticides and herbicides, fluoride, oil and grease, metals (lead, cadmium, chromium, copper, zinc), suspended solids, turbidity, bacteria (total coliform, fecal coliform and fecal strep).

6. Proposed monitoring and official laboratory report formats shall be approved by the County* and the SWFWMD.

7. The Developer* will incorporate additional water quality treatment and/or water management methods into the Project's* surface water drainage system

to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

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

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

F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.

F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

G.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources

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

Water

H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing and/or metered water faucets shall be required in all public and commercial restroom facilities.

H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.

H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.

H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

H.(8) Prior to construction, an economic feasibility study shall be conducted by the applicant and evaluated by the

SWFWMD to examine the use of reclaimed water. This study shall be consistent with rules that are in place at the time of its initiation. It shall address the potential of meeting the water needs for residential irrigation, nonresidential irrigation, other uses that do not require potable water, and the installation of reclaimed water distribution lines. Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*

I.(2) No additional permanent septic system shall be permitted within the Project*.

I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.

I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs must be included in the Annual Report.

I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39), which is attached hereto as Attachment 6.

I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled or transported. The results of such a tenant questionnaire shall be included in each Annual Report.

J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall

be reviewed and approved by the County*, the EAC, the DER, and the TBRPC and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:

   a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

   b. Indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;

   c. Describe generally improper disposal methods;

   d. Describe generally appropriate disposal methods;

   e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;

   f. Describe a program to inform owners and tenants of the information contained in the plan;

   g. Describe construction requirements for hazardous waste holding areas;

   h. Describe typical spill clean up methods; and

   i. Be updated and distributed to each non-residential land user annually.

J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.

J.(4) Large quantity hazardous waste generators and industrial/commercial park components which produce hazardous waste which is not suitable for recycling, exchange or reuse, shall be encouraged to develop permitable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

K.(1) The Project* shall contain, at a minimum, 332.5 acres of open space (approximately 154.4 acres of wetlands, 26.5 acres of mitigation area, and 151.6 acres of detention) in addition to approximately 102.5 acres of property (24.3 acres of park, a 5.3 acre recreation center and approximately a 72.9 acre lake) committed to recreation. The property designated for recreation purposes shall include a 24.3 acre public park site to be conveyed with necessary easements or right of way to provide access from Buckeye Road prior to any further Development

Approvals* and which, prior to commencement of Phase 2, shall have a second means of public access from Gateway Boulevard. Also, recreation areas within the Project* must be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (5.3 acres with facilities) can be utilized as part of the approximately 102.5 acres of recreation oriented property and shall be available prior to any further Development Approvals* for Phase 2.

K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.

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

K.(4) The Project's* parks and recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged.

Education

L.(1) The Developer* shall dedicate to the County School Board usable land for one elementary school site at least 15.9 acres in size. This land shall be available to the School Board at any time during Phase 1 for the Project*, however, any necessary access to the site, water and/or sewer shall be the responsibility of the School Board if development of the school site occurs during Phase 1. At the time of the school site dedication to the School Board, the Developer* shall dedicate to the County* road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until Phase 2, connections for potable water and sanitary sewer shall be provided by the Developer*. The Developer* shall provide said connections upon completion of the road right-of-way connection between Moccasin Wallow Road and Buckeye Road, but in all events, prior to commencement of Phase 2. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County* for joint use of the recreational areas. The Project's* Master Stormwater Plan shall provide for the site's stormwater retention needs.

L.(2) If the County School Board should decide the school is not required or the location is inappropriate, the Developer* shall be permitted to use all or a portion of the applicable parcel for residential development, provided the number of dwelling units approved for the Project* is not increased and provided the County* determines that all recreational Level of Service standards are met. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation.

Health Care, Police and Fire

M.(1) The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition,

construction and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1 or any subphase thereof. The pro rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

M.(2) The Developer* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase 1, or any subphase thereof. The pro rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code.

M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.

M.(5) Prior to approval of all Preliminary Site Plans, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the North River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.

M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.

Economics

N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall

not vest latter development rights not addressed in this approval.

N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.

O.(2) 1. All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and co-generation, where economically feasible;

b. Obtain energy audits provided by energy companies or other qualified agencies;

c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

e. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;

g. Institute and utilize recycling programs;

h. Utilize energy efficient packaging and/or recyclable materials;

i. Install total energy systems on large facilities when cost effective; and

j. Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida

Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.

P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.

P.(4) All Development Approvals* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(5) In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer* shall, prior to commencement of Phase 2, conduct an analysis for subsequent phases of the housing needs to be created by the Project* and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Project*. This analysis and determination shall be accomplished using a methodology approved by Manatee County and shall use actual Project* experience. If such analysis indicates that the Project* will create substantial need for adequate housing that is not being provided by other residential developments proximate to the Project* or if such analysis indicates that the Project* would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer* shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency prior to the commencement of Phase 2.

At a minimum, the HAIP shall contain:

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

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

P.(7) The Developer* shall make all efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.

P.(8) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to Subsection 380.06(19)(a), Florida Statutes.

P.(9) The Developer*, its successors, assigns and/or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County* and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

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

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

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, the TBRPC or the DCA, and being significant;

f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

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

i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;

l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

SECTION 6. DEVELOPER* COMMITMENTS:

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

A. Air

As areas are cleared, the contractor will be required to sod, seed, mulch or landscape the cleared areas as soon as possible. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. Wind erosion will be controlled through sprinkling or other appropriate means. (ADA* 13-6)

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

B. Water

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

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

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

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

C. Vegetation and Wildlife

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

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

D. Drainage

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

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

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

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

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

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge will be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

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

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

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

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

F. Solid Waste

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

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

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

Energy

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

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

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

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

H. Recreation and Open Space

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

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

I. Education

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

J. Health Care

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

K. Fire

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

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

L. Transportation

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

SECTION 7. LEGAL DESCRIPTION:

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

Commence at the Southeast corner of said Section 16, Township 33 South, Range 18 East, Manatee County, Florida, run thence N

01°01'40" E, 2085.96 feet along the East boundary of the Southeast 1/4 of said Section 16, to the intersection with the Northerly Limited Access right of way line of State Road No. 93A (I-75), said point being the POINT OF BEGINNING; thence along said Northerly Limited Access right of way line the following four (4) courses; 1)S 40°08'56" W, a distance of 544.94 feet; 2) S 44°08'20" W, a distance of 542.49 feet to a point on a non-tangent curve; 3) Southwesterly, 339.04 feet along the arc of a curve to the right having a radius of 2770.79 feet and a central angle of 07°00'39" (chord bearing and distance S 47°38'19" W, 338.83 feet); (4) S 51°07'07" W, a distance of 498.24 feet to a point on the East boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence N 00°46'26" E, a distance of 193.65 feet along said East boundary of the Southwest 1/4 of the Southeast 1/4 of Section 16, said line also being right of way line for State Road No. 93A (I-75) Access Road; thence along said Northerly right of way line for Access Road as shown on F.D.O.T. Map for State Road No.93A (I-75) the following three (3) courses; 1) S 48°35'25" W, a distance of 1016.87 feet; 2) S 64°50'22" W, a distance of 142.57 feet; 3) S 88°08'11" W, a distance of 266.86 feet; thence N 02°48'55" E, a distance of 128.56 feet along the Easterly Boundary of the property as described in Official Record Book 291, Page 245 of the public records of Manatee County, Florida; thence N 87°06'31" W, a distance of 172.71 feet along the Northerly boundary of said property as described in O. R. Book 291, Page 245, to the intersection with the Easterly right of way line of Gillett Road (56th Avenue); thence N 00°39'28" E, a distance of 779.85 feet along a line being 25 feet East of and parallel with the West boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence S 89°12'14" E, a distance of 174.30 feet along the South boundary of the property as described in Official Record Book 898, Page 872 of the public records of Manatee County, Florida; thence N 04°40'17" E, a distance of 267.28 feet along the Easterly boundary of said property as described in O.R. Book 898, Page 872; thence N 89°17'52" W, a distance of 218.60 feet along the North boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16 to the Northwest corner of said Southwest 1/4 of the Southeast 1/4 of Section 16; thence N 89°45'45" W, a distance of 1382.98 feet along the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 16; thence S 00°47'20" W, a distance of 507.73 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 16; thence S 89°31'40" E, a distance of 868.64 feet; thence S 21°33'53" E, a distance of 238.50 feet; thence S 31°07'21" W, a distance of 249.86 feet; thence N 58°37'19" W, a distance of 90.10 feet; thence S 52°13'24" W, a distance of 571.20 feet to a point on the Northerly right of way line of Moccasin Wallow Road; thence N 89°35'32" W, a distance of 1096.14 feet along said Northerly right of way line of Moccasin Wallow Road; thence S 01°29'51" W, a distance of 63.18 feet to a point on the Northerly right of way line of said Moccasin Wallow Road (as maintained); thence N 89°31'37" W, a distance of 606.11 feet along said Northerly maintained right of way line of said Moccasin Wallow Road, said line being 31.00 feet North of and parallel with the South boundary of the Southwest 1/4 of the aforesaid Section 16; thence N 89°33'59" W, a distance of 2601.54 feet along said Northerly maintained right of way line said line also being 31.00 feet North of and parallel with the South boundary of the Southeast 1/4 of Section 17, Township 33 South, Range 18 East, Manatee County, Florida; thence N 00°12'13" W, a distance of 2646.56 feet along the West boundary of said Southeast 1/4 of Section 17 to the Northwest corner of the Southeast 1/4 of said Section 17; thence S 89°18'21" E, a distance of 1326.44 feet along the North boundary of said Southeast 1/4 of Section 17 to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 17; thence N 00°50'45" E, a distance of 2660.87 feet along the West boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Northwest corner of said East 1/2 of the Northeast 1/4 of Section 17; thence S 89°30'06" E, a distance of 1329.46 feet along the North boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Southwest corner of Section 9, Township 33 South, Range

18 East, Manatee County, Florida; thence S 89°44'27" E, a distance of 1393.11 feet along the South boundary of the Southwest 1/4 of said Section 9 to the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°55'22" W, a distance of 1334.16 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 9 to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°24'41" W, a distance of 835.46 feet along the West boundary of said Northeast 1/4 of the Southwest 1/4 of Section 9; thence S 89°37'39" E, a distance of 330.00 feet; thence N 00°25'44" W, a distance of 462.00 feet to a point on the Southerly right of way line of Buckeye Road; thence S 89°36'17" E, a distance of 1115.77 feet along said Southerly right of way line of Buckeye Road, said line being 30.00 feet South of and parallel with the North boundary of the Southwest 1/4 of said Section 9; thence continue along said Southerly right of way line, S 89°28'17" E, a distance of 2717.25 feet, said line being 30.00 feet South of and parallel with the North boundary of the Southeast 1/4 of said Section 9, to a point on the West boundary of the parcel described in Official Record Book 1025, Page 3055, as recorded in Manatee County, Florida; thence along said West boundary, S 02°28'25" W, a distance of 2646.27 feet, to a point on the South boundary of the Southeast 1/4 of the aforesaid Section 9, thence N 89°44'33" W, a distance of 29.94 feet to the Northwest corner of the property described in Official Record Book 1030, Page 2797, of the Public Records of Manatee County, Florida; thence along the Westerly boundary of said property, the following four (4) courses; 1) S 00°17'41" E, a distance of 739.10 feet; 2) S 00°19'26" E, a distance of 600.00 feet; 3) S 00°26'20 E, a distance of 539.17 feet; 4) S 00°15'00" E, a distance of 650.17 feet to a point on the East boundary of the Northeast 1/4 of the aforesaid Section 16; thence S 01°00'58" W, a distance of 150.00 feet to the Northeast corner of the Southeast 1/4 of said Section 16; thence S 01°01'40" W, a distance of 587.71 feet along the East boundary of said Southeast 1/4 to the intersection with the aforesaid Northerly Limited Access right of way line of State Road 93A (I-75), said point also being the POINT OF BEGINNING.

Containing 1065± acres, more or less.

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

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within three years of approval of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners. If more than three years shall elapse between approval of this Order and commencement of actual development or if construction of a phase is not begun or completed by the timeframe contained in Section 3 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING:

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

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

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

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

Any down-zoning or reduction in intensity or unit density shall be affected only through the usual and customary procedures required by statute 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 Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 10. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 11. RENDITION:

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

SECTION 12. NOTICE OF RECORDING:

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

SECTION 13. SEVERABILITY:

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

SECTION 14. EFFECTIVE DATE:

The effective date of this Development Order as amended shall be the date upon which the 45-day appeal period has run after the amended Development Order has been rendered, pursuant to Section 380.07, Florida Statutes. All time periods under the Development Order shall run from this effective date. For example, the first annual report will be due a year from this effective date and each year thereafter.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 24th day of February, 1994.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephens
Chairman

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

MANATEE COUNTY
GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

April 21, 1992

Ms. Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard Suite 219
St. Petersburg, Florida 33702

RE: Gateway North DRI

Dear Ms. Cooper:

Enclosed please find a certified copy of the approved Development Order for the Gateway North DRI as required to be submitted.

If you have any questions please feel free to contact me at 748-4501 extension 6872.

Sincerely,

Michael A. Pendley /dm

Michael A. Pendley, Senior Principal Planner
Community Planning Section

MP/dm

cc: DRI File
Central Files

mailed 4/21/92
received 4/23/92

Exhibits filed with original Master DO

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

RECORDED
PAGE NO.
MINUTE BOOK NO.

ORDINANCE 92-30
(fka ORDINANCE 91-108)

DEVELOPMENT OF REGIONAL IMPACT
DRI NO. 21 - GATEWAY NORTH

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY MAGNOLIA MANAGEMENT CORPORATION FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 21), ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI #218; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Edward W. Chance, seconded by Commissioner Joseph McClash, the following ordinance was adopted by a vote of six to zero.

WHEREAS, on September 26, 1990, Magnolia Management Corporation filed an Application for Development Approval* of a Development of Regional Impact (DRI) with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application for Development Approval* proposed construction of a MULTI-USE PROJECT on approximately one thousand, sixty-five acres, located in north Manatee County, hereinafter referred to as "Gateway North DRI" or the "Project*"; 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 and approve Applications for Development Approval* for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Section 380.06, Florida Statutes, have been satisfied; and

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

WHEREAS, the Manatee County Board of County Commissioners has received and considered the report and recommendation of the TBRPC; and

WHEREAS, the Board of County Commissioners of Manatee County on December 12, 1991, January 23, 1992, February 4, 1992, February 19, 1992, March 12, 1992 and April 9, 1992 held duly noticed public hearings on said Application for Development Approval* and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, County* and City agencies, and the applicant, as well as the review and report of the Manatee County Planning, Permitting and Inspections Department; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 9TH DAY OF APRIL, 1992, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of Manatee 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 of said County has received and considered the report of the Manatee County Planning Commission concerning the DRI and the application for Official Zoning Atlas amendment as it relates to the real property described in Section 7 of this Ordinance of an Application for Development Approval*, pursuant to Section 380.06, Florida Statutes. The report was rendered on April 9, 1992, following public hearing.

B. That said Board of County Commissioners held a public hearing on December 12, 1991, January 23, 1992, February 4, 1992, February 19, 1992, March 12, 1992 and April 9, 1992 regarding the said DRI and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (The Manatee County Land Development Code) and Ordinance No. 89-01 (The Manatee County Comprehensive Plan) and has further considered the testimony, comments and information received at the public hearing.

C. The proposed DRI regarding the property described in Section 7 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (The Manatee County Comprehensive Plan) provided it proceeds in accordance with the Development Conditions specified in Section 5 and the Developer* Commitments specified in Section 6 of this Development Order.

D. The Developer* of the Project* submitted to Manatee County, Florida an Application for Development Approval* which included a Sufficiency Response, which is incorporated herein by reference.

E. The Developer* submitted an Affordable Housing Analysis (dated August 19, 1991) to Manatee County which describes the housing demand for low and very low income households and the existing housing supply (see Attachment 1).

F. The real property which is the subject of this Development Order is legally described as set forth in Section 7 herein.

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

H. The authorized agents and their addresses for the Project* are Georgianne Ratliff, 7550 Lorraine Road, Bradenton, Florida 34202, and David Smith or David Cooley, Smith and Williams, Old Hyde Park, 712 South Oregon Avenue, Tampa, Florida 33606-2569.

I. The owner of the property, which Magnolia Management Corporation intends to develop, is Property Reserve, Inc., a Utah corporation.

J. A comprehensive review of the impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 2. CONCLUSIONS OF LAW:

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

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The Project* is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01 (The Manatee County Comprehensive Plan, as amended).

3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on September 16, 1991.

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

C. That the review by the County*, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA* and the Affordable Housing Analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 3. DEVELOPMENT COMPONENTS:

A. Subject to the possible exchange of land uses as described elsewhere herein, the Project* consists of the area and land uses described approximately in Columns A through D of Table 1 and the approximate area and land uses by phase as described in Table 2. Phase 1 of the Project* is approved subject to the conditions found within this Development Order and a Certificate of Level of Service has been issued for the land uses listed in Phase 1, Table 2, and Phases 2 and 3 are conceptually approved. Further Section 380.06, Florida Statutes review will be required, and the Development Order shall be amended for transportation and air quality impacts in Phases 2 and 3, the Development Order must be amended, and Certificates of Level of Service must be obtained for Phases 2 and 3 for land uses and acreage, but shall be limited to roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage and solid waste, as required by the Manatee County Land Development Code.

TABLE 1
LAND AREA AND USES

Column A Use	Column B Acres	Column C Square Feet	Column D Units	Column E Land Use Exchange Maximum Increase
Office	75.8	960,500		6 acres, or 60,000 sq. ft.
Office/ Service	35.7	397,500		6 acres, or 60,000 sq. ft.
Commercial	30.4	445,200		6 acres, or 50,000 sq. ft.

Residential			
Single Family	297.3	1,647	Increase of combined residential dwelling units of 171 dus, regardless of type
Townhouse	48.7	431	
Multi-Family	68.4	1,348	
Lake	72.9		
School	15.9		
Park	24.3		
Recreation Center	5.3		
Wetlands	153.4		
Mitigation	26.5		
Detention	151.6		
Open Space	8.8		
R.O.W. Transmission Lines	50.0		
Totals:	1,065.0±	1,803,200	3,426

The amounts of the various uses (Residential, Commercial, Office and Office/Service Center*) within the Project* can be exchanged, with Board of County Commissioners approval, of a revised General Development Plan to allow flexibility in the exact land use mix shown in Columns B, C, and D of Table 1 above, provided that the final Project* meets the following conditions:

a. Exchanges of land uses for the Project* may not exceed the maximums denoted in Column E of Table 1 above.

b. The following uses designated in Table 1 shall remain as shown in the Table except as described elsewhere herein in specific provisions pertaining to those uses: Lake, school, park, recreation center, wetlands, mitigation, detention, open space and R.O.W. Transmission Lines.

c. No exchange of land uses within a phase or phases shall result in a deviation of the overall Project* change limits as described in this Section 3A.

B.

TABLE 2
LAND USE AND PHASING SCHEDULE

	Phase 1: 1992-1997	Phase 2: 1998-2004	Phase 3: 2005-2011	Totals
Residential (dus):				
Single Family	550	550	547	1,647
TH	120	155	156	431
Multi-Family	330	515	503	1,348
Totals:	1,000	1,220	1,206	3,426
Commercial (sq. ft.)	160,000	150,000	135,200	445,200
Office (sq. ft.)	260,500	300,000	400,000	960,500
Office/Service Center* (sq. ft.)	100,000	150,000	147,500	397,500
School (acres)	15.9			15.9
Park (acres)	24.3			24.3
Recreation Center				

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

a. The number of Residential units within any phase may not be increased or decreased by more than five hundred dwelling units.

b. The square footage of Commercial within any phase may not be increased by more than one hundred fifty thousand square feet or decreased by more than one hundred thousand square feet.

c. The square footage of Office within any phase may not be increased more than seventy thousand square feet or decreased by more than one hundred thousand square feet.

d. The square footage of Office/Service Center* within any phase may not be increased more than ninety-nine thousand square feet or decreased by more than fifty thousand square feet.

C. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage and parks, and recreation which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS) issued for that phase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer will be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose the capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved pursuant to the CLOS.

An application for a Land Use Exchange must include a revised General Development Site Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

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

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

The traffic impacts of the revised land use mix shall be deemed not to exceed the approved traffic impacts of the land use mix being replaced, so long as the change does not increase the peak hour total traffic (based upon the most currently adopted ITE Trip Generation Rates, unless actual studies have been completed establishing to the satisfaction of the County that some modification in the ITE Rates is appropriate based upon sound traffic engineering principles) and the relative proportions of trips produced by attractors and the trips produced by generators remain substantially the same for the phase or subphase. In the event that the attractor/generator proportions are not substantially the same, as determined by the County, additional information may be required to assess intersection performance, trip distribution and/or particular roadway segments designated by the County.

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

Any specific Land Use Exchange must result in a land use mix which is consistent with the requirements of the Manatee County Comprehensive Plan.

The Land Use Exchange may not be exercised more than once in any calendar year.

SECTION 4. DEFINITIONS:

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

A. "Application for Development Approval*" or "ADA*" shall mean Gateway North's Development of Regional Impact Application for Development Approval* (September 26, 1990), the additional information submittal submitted by the Developer* on February 22, 1991, and Attachments 2 and 3 (Revised Map H and Preservation/Conservation Map, respectively).

B. "Best Management Practices*" shall mean method or combination of methods determined after problem assessment, examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and would vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

C. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee.

D. "Developer*" shall mean Property Reserve, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all its conditions of approval.

E. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process and/or Construction Drawing approval where site plans or subdivision plats are not required.

F. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources which can include the Developer*, for construction with funding provided within one year.

G. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:

1. existing topography;

2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;

3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes;

4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.

H. "Office/Service Center*" shall mean those land uses within this project represented as such on Map H and which are based on seventy percent warehouse (category 150 Florida Land Use Classification System) and thirty percent office (category 710 Florida Land Use Classification System) space.

I. "Preservation and Conservation Areas*" shall mean those identified areas shown on the Preservation/Conservation Map attached hereto as Attachment 3.

J. "Project*" shall mean the land uses by area, square footage, density and phase described in the ADA* to be constructed on the real property described in Section 7 herein.

K. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

SECTION 5. DEVELOPMENT CONDITIONS:

Transportation

A.(1) Access to and from the site will be in accordance with state and local access regulations and as shown generally on Revised Map H.

A.(2) The existing I-75 frontage road will be extended through the property at the cost of the Developer* and dedicated to the County* prior to Development Approval* of Phase 2, but in all events prior to development of the office pod located contiguous to the frontage road as extended, which will use the frontage road for ingress and egress.

A.(3) Provisions will be made for an internal collector road which will connect Moccasin Wallow Road and Buckeye Road in later phases. This road will be constructed at the cost of the Developer* prior to Development Approval* of Phase 2 or prior to Development Approval* for

the neighborhood commercial proposed at the intersection of Gateway Boulevard and Buckeye Road, whichever occurs first. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(4) Right-of-way along Moccasin Wallow Road will be dedicated to Manatee County by the Developer* prior to any Preliminary Site Plan or Preliminary Plat approvals, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be creditable to the extent required by the Manatee County Land Development Code and applicable law.

A.(5) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project* and as part of the roadway design for the improvement of Moccasin Wallow Road. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.

A.(6) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.

A.(7) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of Gateway North.

A.(8) When Certificates of Occupancy have been issued for 280,000 square feet of commercial space (land use 820 of Trip Generation, Fourth Edition, ITE), or the equivalent thereof in terms of trip generation, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for Phase 1 of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase 1. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates the total trips exceed projected counts, Manatee County shall determine whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

A.(9) As part of the amended ADA* submitted for Phase 2 approval, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Organization, Florida Department of Transportation (FDOT) and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

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

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

OBJECTIVES:

-- Increase urban area peak automobile occupancy rates by 10% by 1995 through expanded ride sharing efforts.

-- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 1995.

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

1. For approval of all Phase 1 development, funds must be committed by responsible entities for construction of all improvements listed in Table 3 by the end of the second year from the effective date of this Development Order.

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

A.(11) In the event Funding Commitments* for transportation improvements are adequate to permit only the development of a portion of a particular phase or subphase

described in Table 2, the Developer* shall have the option to submit to the County*, the State, and the TBRPC, pursuant to Section 380.06 Florida Statutes, updated traffic counts on the uncommitted regional roadway, link(s) and intersections listed in Table 3, as may be amended with additional phase approvals, which do not have Funding Commitments* for required transportation improvements. The Developer* shall further submit projections for traffic volumes that will result from the completion of a currently approved Project* construction, plus the volumes to be generated by the next portion of development for which the Developer* is seeking approval and future background traffic. Each updated traffic study shall be consistent with the approved traffic methodology for that phase of development and shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities referenced in Table 3 at or above the peak hour LOS standard. Capacity analysis shall utilize procedures acceptable to Manatee County. Both traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices.

TABLE 3

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

Link	From	To	Improvement
Moccasin-Wallow	Ellenton-Gillette	I-75	2LD to 4LD

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

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

Location	Required Improvement
Moccasin Wallow @ U.S. 41	Signalize WB left turn lane
Moccasin Wallow @ Ellenton-Gillette	Signalize
Moccasin Wallow @ Frontage Rd.	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ Site Access Road A (Gateway Boulevard)	Signalize SB left turn lane SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ Site Access Road B (Westernmost link to internal loop roadway)	Signalize SB left turn lane

	SB right turn lane WB right turn lane WB through lane EB left turn lane EB through lane
Moccasin Wallow @ I-75 (west ramps)	Signalize
Moccasin Wallow @ I-75 (east ramps)	Signalize
Moccasin Wallow @ U.S. 301	Signalize

Wetlands

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

B.(2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas* as depicted on the attached Preservation/Conservation Map. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required bi-annually in preserved wetlands and initiated prior to onsite construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland. If it is determined by the County*, Environmental Action Commission (EAC), the Department of Environmental Regulation (DER) or the Southwest Florida Water Management District (SWFWMD) that Preservation Areas* are being stressed due to Project* activities, such activities shall cease until remedial measures are implemented.

B.(3) All wetlands on site, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas* on the attached Preservation/Conservation Map, shall be mitigated in accordance with the Manatee County Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios in limited circumstances, but in no instance at a ratio of less than 1.15:1.

B.(4) Table 16.1 attached hereto with Figure 16.1 (Attachments 4 and 5, respectively) identify wetlands by approximate acreage and the approximate wetland acreage and area to be impacted or preserved. Those wetlands identified in said Table and Figure to be impacted shall be the only wetlands on the Project* site which shall be dredged and filled or negatively impacted. The Developer* shall reevaluate Table SR16-1 and Figure 16.1 from the Sufficiency Response to reflect the findings of the Jurisdictional Wetland Survey and resubmit the revised table to the County* prior to further Development Approval* to serve as a basis for the limitation of wetland impact and the requirement of wetland mitigation under B.(3) above.

B.(5) In addition to a signed and sealed wetland survey, the Developer* shall submit a wetland management and mitigation plan to the County* and the EAC for approval, and to the TBRPC, DER and the SWFWMD for review prior

to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands onsite, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

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

   a. Identification of existing dry and wet season site conditions;

   b. Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;

   c. Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);

   d. Narrative descriptions of any proposed wetland restoration activities and related issues;

   e. Estimated costs of wetland mitigation/restoration schemes; and

   f. Mitigation plans shall also include:

      (1) Area and location of plantings;

      (2) Species to be planted and spacing;

      (3) Elevations for plantings;

      (4) Source of plants and/or mulch;

      (5) Source of wetland soil and depth proposed; and

      (6) Monitoring and maintenance plans.

B.(6) Any allowable wetland losses shall require type-for-type wetland replacement in accordance with the Manatee County Land Development Code. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland/littoral shelf shall meet or exceed an eigty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

B.(7) The Developer* shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers/setbacks shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

C.(1) The Developer* shall provide a wildlife and listed plant species management plan for the Project*, in accordance with Florida Game and Freshwater Fish Commission (FGFWFC) management guidelines and receive administrative approval by the FGFWFC, the County* and the EAC prior to any site alteration. The Wildlife Management Plan shall address all listed species observed on site, or which are observed frequenting the site for nesting, feeding, or breeding, to include gopher tortoises, Sherman's fox squirrels, sandhill cranes and other wading birds. This plan shall also include information on upland and wetland preserve habitat protection and management, as well as information on site maintenance, fire frequency, wetland management and boundary protection. The plan shall identify the bound entity for implementation, management, and financial responsibility.

C.(2) The Developer* shall provide wildlife crossings under roadways that may cross preserve areas, and appropriate upland/transitional buffers for all development parcels adjacent to upland and wetland preserve areas, if required by the wildlife management plan referenced in Condition C.(1).

C.(3) The Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EAC for relocation of any listed plant species found on site in addition to the requirements of C.(1) above.

C.(4) As part of the wildlife management plan referenced in Condition C.(1), the Developer* shall identify and preserve representative tracts of all major natural upland vegetative communities (longleaf pine-xeric oak, pine-mesic oak, xeric oak, and mixed hardwoods) to serve as Conservation Areas* as depicted on the attached preservation/conservation map.

C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the EAC consistent with the provisions of the Manatee County Comprehensive Plan.

Land

D.(1) 1. The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:

a. Sod, seed or plant embankment areas of stormwater detention and/or retention ponds;

b. Sod, seed, mulch or landscape cleared or disturbed areas as soon as possible after clearing and grading;

c. Limit site work and construction to areas needed for immediate development;

d. Develop asphalt roads as soon as possible;

e. Initiate landscaping before development work is completed on a site;

f. Construct sediment basins at the start of each drainage system phase;

g. Utilize straw filter barriers and/or filter fabric at discharge points including, but not limited to, temporary discharge points; and

h. Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis.

Air Quality

E.(1) 1. The Developer* shall institute the following procedures to ensure dust control during development of the Project*:

a. Implement a watering program during excavation, and dredge and fill operations;

b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;

c. Treat disturbed areas after clearing, grading, earth moving or excavation is completed by watering, revegetation, spreading soil binders or compacting fill material until areas are paved or developed;

d. Keep soil stockpiles moist, and/or treat with soil binders or cover;

e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;

f. Remove dust producing materials as soon as possible;

g. Maintain 15 mph or less vehicle and equipment speeds on temporary roads;

h. Clean (sweep) paved roads adjacent to site as necessary;

i. Sod, seed, mulch or landscape cleared or disturbed areas, including embankment areas, of stormwater detention and/or retention ponds as soon as possible after clearing and grading;

j. Limit site work and construction to areas needed for immediate development;

k. Develop asphalt roads as soon as possible; and

l. Initiate landscaping before development work is completed on site.

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

Water Quality and Drainage

F.(1) Prior to the issuance of any further Development Approvals*, the Master Drainage Plan* for the Project* shall be submitted to DER, SWFWMD and the TBRPC for review and to the County* for approval. The

stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of the SWFWMD, the County* and the EAC, whichever is more stringent; to provide retention, or detention with filtration/assimilation treatment, for the first one-inch of runoff generated from the site during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rates for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer* of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer*.

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

F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC, SWFWMD and the DER for review, and to the County* for approval, prior to further Development Approvals*.

F.(4) Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.

F.(5) Prior to any site alteration, the Developer* shall develop and implement a surface water quality monitoring plan that is approved by the County* and the SWFWMD. The approval criteria will be in compliance with applicable requirements of the Environmental Protection Agency (EPA), the DER, the County* and the SWFWMD. The plan shall include, at a minimum, monitoring of the quality of water entering the site, as well as the quality of the water exiting the site. Stormwater exiting the site shall not be of any worse quality in regard to applicable federal, state, regional and local water quality standards as compared to stormwater entering the site. Any violation of Rule 17-3, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DER. The surface water quality monitoring plan shall include the following generalized provisions:

1. <u>Pre-construction monitoring</u>:

   a. Sampling will be initiated at least one year before the start of construction.

   b. Sampling events will be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater, until the start of construction.

   c. Sampling locations will be at the five sites identified on page SR11/12-19 of the ADA* Sufficiency Response.

2. Construction monitoring:

   a. Sampling will be conducted as soon as practicable after each rainfall event of one inch or greater within the drainage basin(s) where construction activities are occurring. The remainder of the Project* site will continue to be sampled as described in pre-construction monitoring.

   b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and the SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

3. Post-construction monitoring:

   a. Sampling events will be conducted quarterly, two wet season and two dry season, and as soon as practicable after each rainfall event of one inch or greater for at least two years after construction buildout.

   b. Any violation of water quality standards within a drainage basin under construction will be reported to the County* and the SWFWMD, and all work which is determined by the County* to be contributing to the problem will be halted until the problem is resolved.

4. Monitoring Reports:

   a. Monitoring reports will be submitted to the County* on a quarterly basis during pre- and post-construction and monthly during construction.

   b. An official laboratory report shall also be submitted to the County*, the SWFWMD and the TBRPC as part of the Annual Report.

5. All water quality physical and chemical parameters proposed to be sampled, as well as sampling sites, shall be approved before the commencement of sampling, by the County* and the SWFWMD. At a minimum, field tests at all sites will include temperature, ph, specific conductance, dissolved oxygen, and flow. Samples will be analyzed by a Florida certified laboratory for at least nutrients (total phosphorus, orthophosphorus, ammonia, nitrate, nitrite, TKN, total nitrogen) pesticides and herbicides, fluoride, oil and grease, metals (lead, cadmium, chromium, copper, zinc), suspended solids, turbidity, bacteria (total coliform, fecal coliform and fecal strep).

6. Proposed monitoring and official laboratory report formats shall be approved by the County* and the SWFWMD.

7. The Developer* will incorporate additional water quality treatment and/or water management methods into the Project's* surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer* are found to be ineffective or adversely impact water quality downstream of the Project* site.

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

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

F.(7) All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules.

F.(8) Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.

F.(9) To the extent required by applicable law, any shoreline banks created along on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting if necessary, at least eight-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for twenty-five years from the date of this approval.

F.(10) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each annual report.

Historical and Archaeological Sites

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

Resources, the TBRPC, and the County* for approval. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

Water

H.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.

H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing and/or metered water faucets shall be required in all public and commercial restroom facilities.

H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

H.(5) The Developer* shall, to the extent nonpotable water is available, use only nonpotable water to meet nonpotable water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of nonpotable water on-site. The plan shall be completed prior to the issuance of any further Development Approvals*, and shall include an implementation timetable, as well as a ,determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes.

H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.

H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

H.(8) Prior to construction, an economic feasibility study shall be conducted by the applicant and evaluated by the SWFWMD to examine the use of reclaimed water. This study shall be consistent with rules that are in place at the time of its initiation. It shall address the potential of meeting the water needs for residential irrigation, nonresidential irrigation, other uses that do not require potable water, and the installation of reclaimed water distribution lines. Consideration shall be given to meeting the irrigation needs of the Project* with the following sources: (1) treated wastewater, (2) treated stormwater, and (3) nonpotable quality groundwater. At a minimum, the Developer* shall comply with County* ordinances relating to the use of reclaimed water.

H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated.

Wastewater

I.(1) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*.

I.(2) No additional permanent septic system shall be permitted within the Project*.

I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.

I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs must be included in the Annual Report.

I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39), which is attached hereto as Attachment 6.

I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

J.(1) The Developer*, in cooperation with the tenant businesses within the Project*, shall seek to obtain survey information which will locate and catalog tenant businesses where hazardous materials and waste are generated, stored, handled or transported. The results of such a tenant questionnaire shall be included in each Annual Report.

J.(2) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals* for any nonresidential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including biohazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County*, the EAC, the DER, and the TBRPC and then distributed by the Developer* to nonresidential land users within the Project*.

1. At a minimum, the plan shall:

   a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;

b. Indicate the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;

c. Describe generally improper disposal methods;

d. Describe generally appropriate disposal methods;

e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;

f. Describe a program to inform owners and tenants of the information contained in the plan;

g. Describe construction requirements for hazardous waste holding areas;

h. Describe typical spill clean up methods; and

i. Be updated and distributed to each non-residential land user annually.

J.(3) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.

J.(4) Large quantity hazardous waste generators and industrial/commercial park components which produce hazardous waste which is not suitable for recycling, exchange or reuse, shall be encouraged to develop permitable temporary on site hazardous waste treatment capabilities to ensure public safety prior to transport.

J.(5) The Developer* shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

K.(1) The Project* shall contain, at a minimum, 332.5 acres of open space (approximately 154.4 acres of wetlands, 26.5 acres of mitigation area, and 151.6 acres of detention) in addition to approximately 102.5 acres of property (24.3 acres of park, a 5.3 acre recreation center and approximately a 72.9 acre lake) committed to recreation. The property designated for recreation purposes shall include a 24.3 acre public park site to be conveyed with necessary easements or right of way to provide access from Buckeye Road prior to any further Development Approvals* and which, prior to commencement of Phase 2, shall have a second means of public access from Gateway Boulevard. Also, recreation areas within the Project* must be suitable to support active recreation programs, such as sports fields. The proposed private recreation area (5.3 acres with facilities) can be utilized as part of the approximately 102.5 acres of recreation oriented property and shall be available prior to any further Development Approvals* for Phase 2.

K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be owned and maintained as common open space through a property owners association for the Project*.

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

K.(4) The Project's* parks and recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged.

Education

L.(1) The Developer* shall dedicate to the County School Board usable land for one elementary school site at least 15.9 acres in size. This land shall be available to the School Board at any time during Phase 1 for the Project*, however, any necessary access to the site, water and/or sewer shall be the responsibility of the School Board if development of the school site occurs during Phase 1. At the time of the school site dedication to the School Board, the Developer* shall dedicate to the County* road right-of-way access to Buckeye Road, as shown on the General Development Plan. If the School Board elects to postpone development of the school site until Phase 2, connections for potable water and sanitary sewer shall be provided by the Developer*. The Developer* shall provide said connections upon completion of the road right-of-way connection between Moccasin Wallow Road and Buckeye Road, but in all events, prior to commencement of Phase 2. Recreational areas of the school site shall be operated by the School Board as public recreational areas or, prior to construction, the School Board shall enter into an interlocal agreement with the County* for joint use of the recreational areas. The Project's* Master Stormwater Plan shall provide for the site's stormwater retention needs.

L.(2) If the County School Board should decide the school is not required or the location is inappropriate, the Developer* shall be permitted to use all or a portion of the applicable parcel for residential development, provided the number of dwelling units approved for the Project* is not increased and provided the County* determines that all recreational Level of Service standards are met. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation.

Health Care, Police and Fire

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

N.(3) The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical and gas utilities to meet the energy requirements of the development.

O.(2) 1. All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;

b. Obtain energy audits provided by energy companies or other qualified agencies;

c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;

e. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;

g. Institute and utilize recycling programs;

h. Utilize energy efficient packaging and/or recyclable materials;

i. Install total energy systems on large facilities when cost effective; and

j. Elimination of advertising requiring lighting after business hours where feasible.

O.(3) Incorporation of the energy conservation measures referenced on pages 25-3 and 25-4 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each annual report.

General Conditions

P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.

P.(2) The Developer's* commitments set forth in the ADA*, and, as summarized in Section 6 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.

require a Substantial Deviation Determination, pursuant to Subsection 380.06(19)(a), Florida Statutes.

P.(9) The Developer*, its successors, assigns and/or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County* and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

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

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

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, the TBRPC or the DCA, and being significant;

f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;

h. A list of significant local, state and federal permits which have been obtained or which are

pending by agency, type of permit, permit number and purpose of each;

i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

k. Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;

l. Reports and/or information pursuant to conditions A.(8), A.(9), F.(5), J.(1), J.(3), O.(3), and F.(10).

SECTION 6. DEVELOPER* COMMITMENTS:

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

A. Air

As areas are cleared, the contractor will be required to sod, seed, mulch or landscape the cleared areas as soon as possible. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. Wind erosion will be controlled through sprinkling or other appropriate means. (ADA* 13-6)

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

B. Water

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

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

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

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

C. Vegetation and Wildlife

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

In regard to the negative influences of domestic pets, exotic plant landscaping, and domestic toxic chemicals, the

applicant will provide environmental information to all land owners and residents advising them of measures they can take to protect the wildlife and habitat resources of their community. (SR, 18-15)

D. Drainage

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

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

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

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

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

Runoff volume will increase as the total acreage that has been developed increases, but the post-development 25-year/24-hour peak discharge will be maintained at or below the pre-development 25-year/24-hour peak discharge throughout the construction phases. (ADA*, 22-11)

E. Water Supply

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

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

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

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

F. Solid Waste

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

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

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

Energy

The applicant will coordinate with Florida Power and Light during the planning stages of the development. (ADA*, 25-3)

Energy conserving lighting in all parking areas will promote conservation. (ADA*, 25-3)

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

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

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

H. Recreation and Open Space

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

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

I. Education

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

J. Health Care

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

K. Fire

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

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

L. Transportation

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

SECTION 7. LEGAL DESCRIPTION:

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

Commence at the Southeast corner of said Section 16, Township 33 South, Range 18 East, Manatee County, Florida, run thence N 01°01'40" E, 2085.96 feet along the East boundary of the Southeast 1/4 of said Section 16, to the intersection with the Northerly Limited Access right of way line of State Road No. 93A (I-75), said point being the POINT OF BEGINNING; thence along said Northerly Limited Access right of way line the following four (4) courses; 1)S 40°08'56" W, a distance of 544.94 feet; 2) S 44°08'20" W, a distance of 542.49 feet to a point on a non-tangent curve; 3) Southwesterly, 339.04 feet along the arc of a curve to the right having a radius of 2770.79 feet and a central angle of 07°00'39" (chord bearing and distance S 47°38'19" W, 338.83 feet); (4) S 51°07'07" W, a distance of 498.24 feet to a point on the East boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence N 00°46'26" E, a distance

of 193.65 feet along said East boundary of the Southwest 1/4 of the Southeast 1/4 of Section 16, said line also being right of way line for State Road No. 93A (I-75) Access Road; thence along said Northerly right of way line for Access Road as shown on F.D.O.T. Map for State Road No. 93A (I-75) the following three (3) courses; 1) S 48°35'25" W, a distance of 1016.87 feet; 2) S 64°50'22" W, a distance of 142.57 feet; 3) S 88°08'11" W, a distance of 266.86 feet; thence N 02°48'55" E, a distance of 128.56 feet along the Easterly Boundary of the property as described in Official Record Book 291, Page 245 of the public records of Manatee County, Florida; thence N 87°06'31" W, a distance of 172.71 feet along the Northerly boundary of said property as described in O.R. Book 291, Page 245, to the intersection with the Easterly right of way line of Gillett Road (56th Avenue); thence N 00°39'28" E, a distance of 779.85 feet along a line being 25 feet East of and parallel with the West boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16; thence S 89°12'14" E, a distance of 174.30 feet along the South boundary of the property as described in Official Record Book 898, Page 872 of the public records of Manatee County, Florida; thence N 04°40'17" E, a distance of 267.28 feet along the Easterly boundary of said property as described in O.R. Book 898, Page 872; thence N 89°17'52" W, a distance of 218.60 feet along the North boundary of the Southwest 1/4 of the Southeast 1/4 of the aforesaid Section 16 to the Northwest corner of said Southwest 1/4 of the Southeast 1/4 of Section 16; thence N 89°45'45" W, a distance of 1382.98 feet along the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 16; thence S 00°47'20" W, a distance of 507.73 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 16; thence S 89°31'40" E, a distance of 868.64 feet; thence S 21°33'53" E, a distance of 238.50 feet; thence S 31°07'21" W, a distance of 249.86 feet; thence N 58°37'19" W, a distance of 90.10 feet; thence S 52°13'24" W, a distance of 571.20 feet to a point on the Northerly right of way line of Moccasin Wallow Road; thence N 89°35'32" W, a distance of 1096.14 feet along said Northerly right of way line of Moccasin Wallow Road; thence S 01°29'51" W, a distance of 63.18 feet to a point on the Northerly right of way line of said Moccasin Wallow Road (as maintained); thence N 89°31'37" W, a distance of 606.11 feet along said Northerly maintained right of way line of said Moccasin Wallow Road, said line being 31.00 feet North of and parallel with the South boundary of the Southwest 1/4 of the aforesaid Section 16; thence N 89°33'59" W, a distance of 2601.54 feet along said Northerly maintained right of way line said line also being 31.00 feet North of and parallel with the South boundary of the Southeast 1/4 of Section 17, Township 33 South, Range 18 East, Manatee County, Florida; thence N 00°12'13" W, a distance of 2646.56 feet along the West boundary of said Southeast 1/4 of Section 17 to the Northwest corner of the Southeast 1/4 of said Section 17; thence S 89°18'21" E, a distance of 1326.44 feet along the North boundary of said Southeast 1/4 of Section 17 to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 17; thence N 00°50'45" E, a distance of 2660.87 feet along the West boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Northwest corner of said East 1/2 of the Northeast 1/4 of Section 17; thence S 89°30'06" E, a distance of 1329.46 feet along the North boundary of said East 1/2 of the Northeast 1/4 of Section 17 to the Southwest corner of Section 9, Township 33 South, Range 18 East, Manatee County, Florida; thence S 89°44'27" E, a distance of 1393.11 feet along the South boundary of the Southwest 1/4 of said Section 9 to the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°55'22" W, a distance of 1334.16 feet along the West boundary of said Southeast 1/4 of the Southwest 1/4 of Section 9 to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 9; thence N 00°24'41" W, a distance of 835.46 feet along the West boundary of said Northeast 1/4 of the Southwest 1/4 of Section 9; thence S 89°37'39" E, a distance of 330.00 feet; thence N 00°25'44" W, a distance of 462.00 feet to a point on the Southerly right of way line of Buckeye Road; thence S 89°36'17" E, a distance of 1115.77 feet along said Southerly right of way line of Buckeye Road, said line being 30.00 feet South of and

parallel with the North boundary of the Southwest 1/4 of said Section 9; thence continue along said Southerly right of way line, S 89°28'17" E, a distance of 2717.25 feet, said line being 30.00 feet South of and parallel with the North boundary of the Southeast 1/4 of said Section 9, to a point on the West boundary of the parcel described in Official Record Book 1025, Page 3055, as recorded in Manatee County, Florida; thence along said West boundary, S 02°28'25" W, a distance of 2646.27 feet, to a point on the South boundary of the Southeast 1/4 of the aforesaid Section 9; thence N 89°44'33" W, a distance of 29.94 feet to the Northwest corner of the property described in Official Record Book 1030, Page 2797, of the Public Records of Manatee County, Florida; thence along the Westerly boundary of said property, the following four (4) courses; 1) S 00°17'41" E, a distance of 739.10 feet; 2) S 00°19'26" E, a distance of 600.00 feet; 3) S 00°26'20" E, a distance of 539.17 feet; 4) S 00°15'00" E, a distance of 650.17 feet to a point on the East boundary of the Northeast 1/4 of the aforesaid Section 16; thence S 01°00'58" W, a distance of 150.00 feet to the Northeast corner of the Southeast 1/4 of said Section 16; thence S 01°01'40" W, a distance of 587.71 feet along the East boundary of said Southeast 1/4 to the intersection with the aforesaid Northerly Limited Access right of way line of State Road No. 93A (I-75), said point also being the POINT OF BEGINNING.

Containing 1065± acres, more or less.

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

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within three years of approval of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners. If more than three years shall elapse between approval of this Order and commencement of actual development or if construction of a phase is not begun or completed by the timeframe contained in Section 3 above, or if any three year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, rescind any and all approvals granted herein. Any delay in construction commencement shall not be deemed to extend any timeframe for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING:

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

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

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

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

Any down-zoning or reduction in intensity or unit density shall be affected only through the usual and customary procedures required by statute 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 Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 10. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 11. RENDITION:

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

SECTION 12. NOTICE OF RECORDING:

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

SECTION 13. SEVERABILITY:

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

SECTION 14. EFFECTIVE DATE:

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.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 9th day of April, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A Sneed
Chairman

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

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 30th day of April 1992.
R. B. SHORE
Clerk of Circuit Court
By: Robin Silverstein D.C.

MANATEE COUNTY GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

April 30, 1992

Ms. Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard Suite 219
St. Petersburg, Florida 33702

RE: Gateway North DRI

Dear Ms. Cooper:

Enclosed please find the attachments for the Development Order for the above referenced DRI. They were inadvertently omitted from the package which was sent to you on April 21st.

I apologize for any inconvenience this may have caused. If you have any questions or comments please do not hesitate to contact me at 748-4501, extension 6872.

Sincerely,

Michael Pendley

Michael A. Pendley, Senior Principal Planner
Community Planning Section

MP/dm

cc: DRI File
Central Files

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

GATEWAY NORTH

Affordable Housing Analysis

Prepared for:

MAGNOLIA MANAGEMENT CORP.

Prepared by:

DAMES & MOORE

August, 1991

LIST OF TABLES

Table

1. Land Use and Phasing Schedule

2. 1991 Affordable Housing Income Limits, Bradenton MSA

3. Projected Permanent Employment by Category and Phase

4. Estimate of Low and Very Low Income Households
   Total and Average Annual by Phase

5. Housing Prices Based on Monthly Payment Ability

6. Apartment Complexes Located in Survey Area

7. Estimated Annual Affordable Housing Supply
   Gateway North Survey Area

8. Comparison of Supply to Demand by Phase and by Income Category

Introduction and Purpose

The Gateway North project encompasses approximately 1070 acres in northwest Manatee County. It is located north of Moccasin Wallow Road and west of I-75 (See Map 1).

Gateway North is proposed as a mixed-use project with residential, retail, office and office/service center components. Project buildout is anticipated to occur in three seven-year phases. The square footage for each land use type by phase is shown in Table 1.

The purpose of this report is to present the findings of an affordable housing analysis including demand potentially generated by the non-residential components of Gateway North and the supply within an area of acceptable accessibility available to meet that demand.

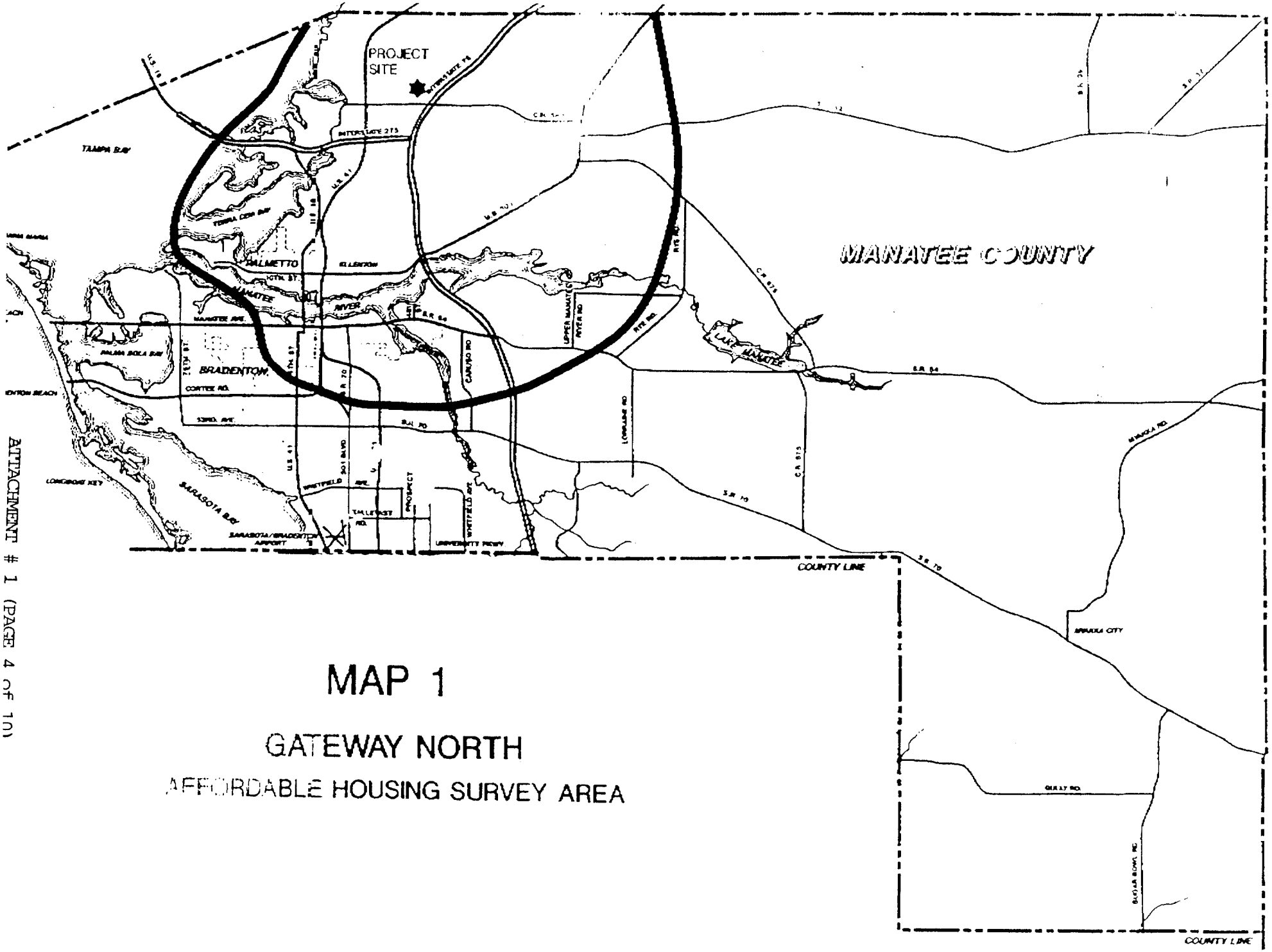
This analysis follows DCA's General Guidelines, Interim Housing Methodology, October 2, 1990.

Demand

DCA's methodology requires a determination of median, low and very low income levels for the Metropolitan Statistical Area (MSA). These income levels are defined by the U.S. Department of Housing and Urban Development (HUD). Table 2 provides this information for the Bradenton MSA.

As estimate of the number of permanent, non-construction jobs that will be created as a result of the development of Gateway North is presented in Table 3. These estimates were developed using DCA's recommended employee to square footage ratios.

Subsequent steps involve determining the number of households represented in the total employment (total employment x .58) and converting total households to single wage earner households (households x .406). These conversion factors were found in DCA's Interim Guidelines.



MAP 1

GATEWAY NORTH

AFFORDABLE HOUSING SURVEY AREA

ATTACHMENT # 1 (PAGE 4 of 10)

TABLE 2 - GATEWAY NORTH

ESTIMATE OF 1991 AFFORDABLE HOUSING INCOME LIMITS FOR 4-PERSON HOUSEHOLD, BRADENTON MSA

Annual Income Limits 4.0 PPH	
Median	$33,100 [1]
Low	$26,480 [2]
Very Low	$16,550 [3]

NOTES:

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

TABLE 3 - GATEWAY NORTH

PROJECTED PERMANENT EMPLOYMENT
(By Category and Phase)

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

Source: Dames & Moore, July 1991

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

DCA's affordable Housing representative provided an alternative methodology to estimate the number of Low and Very Low Income households within the total single wage earner households. DCA's data indicates that in Manatee County 39% of the total are Very Low and 41% are Low.

The results of these conversions are presented in Table 4. At buildout, Gateway North may provide employment to 620 Low Income households and 589 Very Low Income. This demand is estimated to occur at an average annual rate of 30 Low Income households per year and 28 Very Low Income households per year.

These estimates of potential demand are conservative as they have not been adjusted to reflect the fact that some percentage of these households will already have housing in nearby Manatee County or Hillsborough County. Some of these employees may have been previously unemployed or may wish to change jobs. In either case, they will not generate a need for additional housing.

TABLE 4 - GATEWAY NORTH

ESTIMATE OF LOW AND VERY LOW INCOME HOUSEHOLDS
Total and Average Annual by Phase

Annual Household Income Category	PHASE 1		PHASE 2		PHASE 3		TOTAL	
	Avg. Annual	Total	Avg. Annual	Total	Avg. Annual	Total	Avg. Annual	Total
Low	28	195	28	196	33	229	30	620
Very Low	26	185	26	186	31	218	28	589
TOTAL	54	380	54	382	64	447	58	1209

Source: Dames & Moore, July 1991

Supply Inventory

DCA requires that all dwelling units considered as part of the supply to meet affordable housing demand must be "reasonably accessibly" to the job site. Reasonably accessible is defined as being within a proximate distance of 10 miles or a commute time of 20 minutes, whichever is less. Map 1 presents the affordable housing accessibility area for the Gateway North.

Table 5 presents a calculation of the monthly housing payment that can be made by a Very Low Income household and a Low Income household. These calculations assume that a maximum of 30% of the household's annual income can be spent on housing. Table 5 also provides the total mortgage price that these monthly payments could support.

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

TABLE 5 - GATEWAY NORTH

HOUSING PRICES BASED ON MONTHLY PAYMENT ABILITY

Income Status	Monthly Payment	Taxes Insurance	Net payment	Interest Rate	Term (Yrs)	Home Price
Very Low	$412.5	36.1	376.4	10.0%	30	$42,890
Low	$661.9	76.9	585.0	10.0%	30	$66,660

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

Source: Fishkind & Associates, Inc.

TABLE 6 - GATEWAY NORTH				
APARTMENT COMPLEXES LOCATED WITHIN SURVEY AREA				
Name	Address	Total # Units	# Units < $377	# Units $378-$662
DeSoto Village	3810 5th St. E. Bradenton	97	0	97
Oakmeade	1831 13th Ave. E. Bradenton	100	100	0
Citrus Meadows	1591 19th St. Ct. E. Bradenton	200	152	48
Cedar Tree Village	2019 5th St. W. Bradenton	225	32	193
Oakridge	523 13th St. W. Palmetto	144	144	0
Oakwood Estates	900 21st St. E. Palmetto	120	120	0
Avondale Estates	1818 9th Ave. E. Bradenton	200	200	0
Carlton Arms	5206 Riverfront Dr. Bradenton	900	400	500
Gardenwood Apts.	3223 3rd St. W. Bradenton	55	49	6
TOTAL:		2,041	1,197	844

Source: Dames & Moore, July, 1991

This survey revealed a total of 1,197 apartments within the study area that would qualify as affordable for Very Low Income households and 844 that would qualify as affordable for Low Income households.

The Classified section of the Bradenton Hearld on July 7, 1991, contained 3 units within the survey area that were available for Very Low Income families and 3 available for Low Income families.

Opportunities within the survey area for home ownership at costs that are within the limits provided on Table 5 were identified by using the Multiple Listing Service. During the 12 month period from August, 1990 to July, 1991, a total of 106 homes sold for prices that were at or below the limit for Very Low Income households. A total of 294 homes sold within the Low Income household limits.

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

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

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

TABLE 7 - GATEWAY NORTH

ESTIMATED ANNUAL AFFORDABLE HOUSING SUPPLY
GATEWAY NORTH SURVEY AREA

Monthly Housing Cost	# Units Available Annually		
	For Sale [1]	For Rent [2]	Total
Very Low $0 - $377	106	60	166
Low $378 $662	294	42	336
TOTAL:	400	102	502

Source: Dames & Moore, July, 1991

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

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

Results of Analysis

Table 8 compiles data on demand from Table 4 and supply from Table 7. The annual supply anticipated to be available within the survey area is well in excess of the demand estimated to be generated by Gateway North. There is no indication that Gateway North will generate a need for additional affordable housing.

TABLE 8 - GATEWAY NORTH

COMPARISON OF SUPPLY TO DEMAND BY PHASE AND BY INCOME CATEGORY

Income Category	Phase 1		Phase 2		Phase 3		TOTAL	
	Avg. Annual	Total	Avg. Annual	Total	Avg. Annual	Total	Avg. Annual	Total
Very Low Demand	26	185	26	186	31	218	28	589
Very Low Supply	166	1162	166	1162	166	1162	166	3486
Unmet Need	0	0	0	0	0	0	0	0
Low Demand	28	195	28	196	33	229	30	620
Low Supply	336	2352	270	1890	270	1890	270	7,056
Unmet Need	0	0	0	0	0	0	0	0

Source: Dames & Moore, July, 1991

This analysis is conservative and should be viewed as a worst case scenario for the following reasons:

1. Demand estimates were not adjusted to reflect households already living in the area and not in need of housing.

2. Demand estimates were maximized using DCA ratios of employment to square footage.

3. Part-time employees were not factored out of the total employment estimates.

4. The survey area was confined to Manatee County although parts of Hillsborough County are within the "reasonably accessible" area.

5. The supply survey did not include mobile homes and For Sale by Owner opportunities.



LAND USE SCHEDULE

USE	ACRES	SQ. FT.	UNITS
OFFICE	75.0	900,000	
OFFICE SERVICE CENTER	33.1	397,500	
COMMERCIAL	30.9	445,200	
SINGLE FAMILY	297.3		1,047
TOWN HOUSE	48.1		431
MULTI FAMILY	72.1		1,348
LAKE	72.9		
SCHOOL	15.9		
PARK	24.3		
RECREATION CENTER	5.3		
WETLANDS	154.4		
MITIGATION	29.5		
DETENTION	15.1.0		
OPEN SPACE	8.0		
R.O.W. TRANSMISSION LINES	50.0		
TOTAL	1069.5	1,803,200	3,426

LEGEND

- FORESTED WETLANDS
- GRASSY WETLANDS
- DETENTION
- MITIGATION
- OFFICE
- COMMERCIAL (COMM)
- SERVICE CENTER
- SINGLE FAMILY (S.F.)
- TOWN HOUSE (T.H.)
- MULTI FAMILY (M.F.)

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

CONCEPTUAL MASTER PLAN

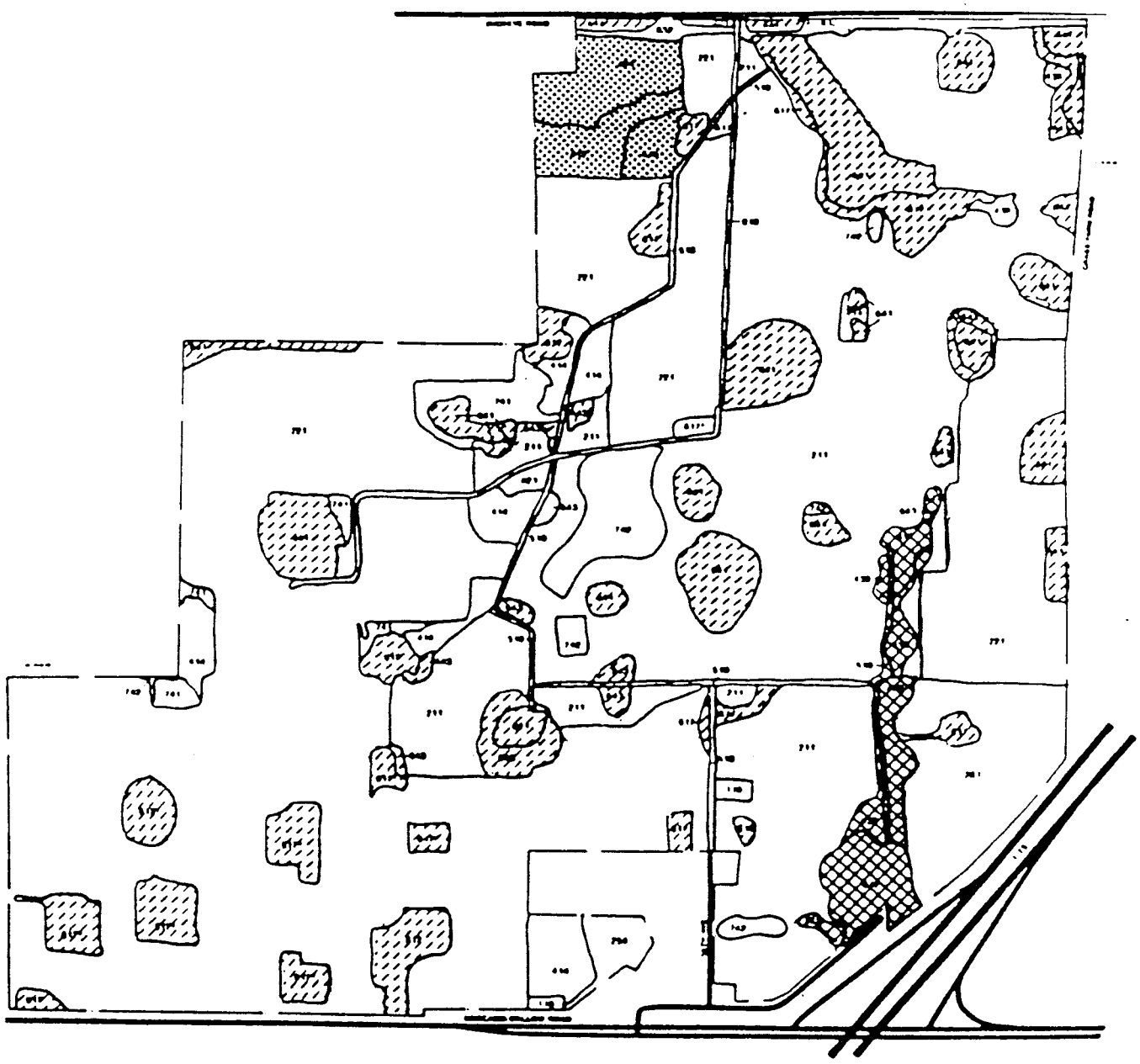
GATEWAY NORTH
Magnolia Management Corporation

DATE JUNE 29 1990
JOB NO 18776-002 SSC

MAP H

ATTACHMENT #2

DRI #218
GATEWAY NORTH
PRESERVATION/CONSERVATION MAP



LEGEND

641

110 RESIDENTIAL, LOW DENSITY
211 AGRICULTURE, IMPROVED PASTURE
221 AGRICULTURE, CITRUS GROVES
254 AGRICULTURE, FISH FARMS
261 OPEN LAND, RURAL
412 UPLAND FOREST, LONGLEAF XERIC OAK
414 UPLAND FOREST, PINE MESIC OAK
421 UPLAND FOREST, XERIC OAK
438 UPLAND FOREST, MIXED HARDWOOD
510 WATER, STREAMS AND WATERWAYS
617 WETLANDS, MIXED HARDWOOD
617* WETLANDS, DISTURBED MIXED HARDWOOD
641 WETLANDS, FRESHWATER MARSH
643 WETLANDS, WET PRAIRIE
741 DISTURBED LAND
742 BORROW AREAS

Conservation

Preservation

Upland Preservation

ATTACHMENT #3

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

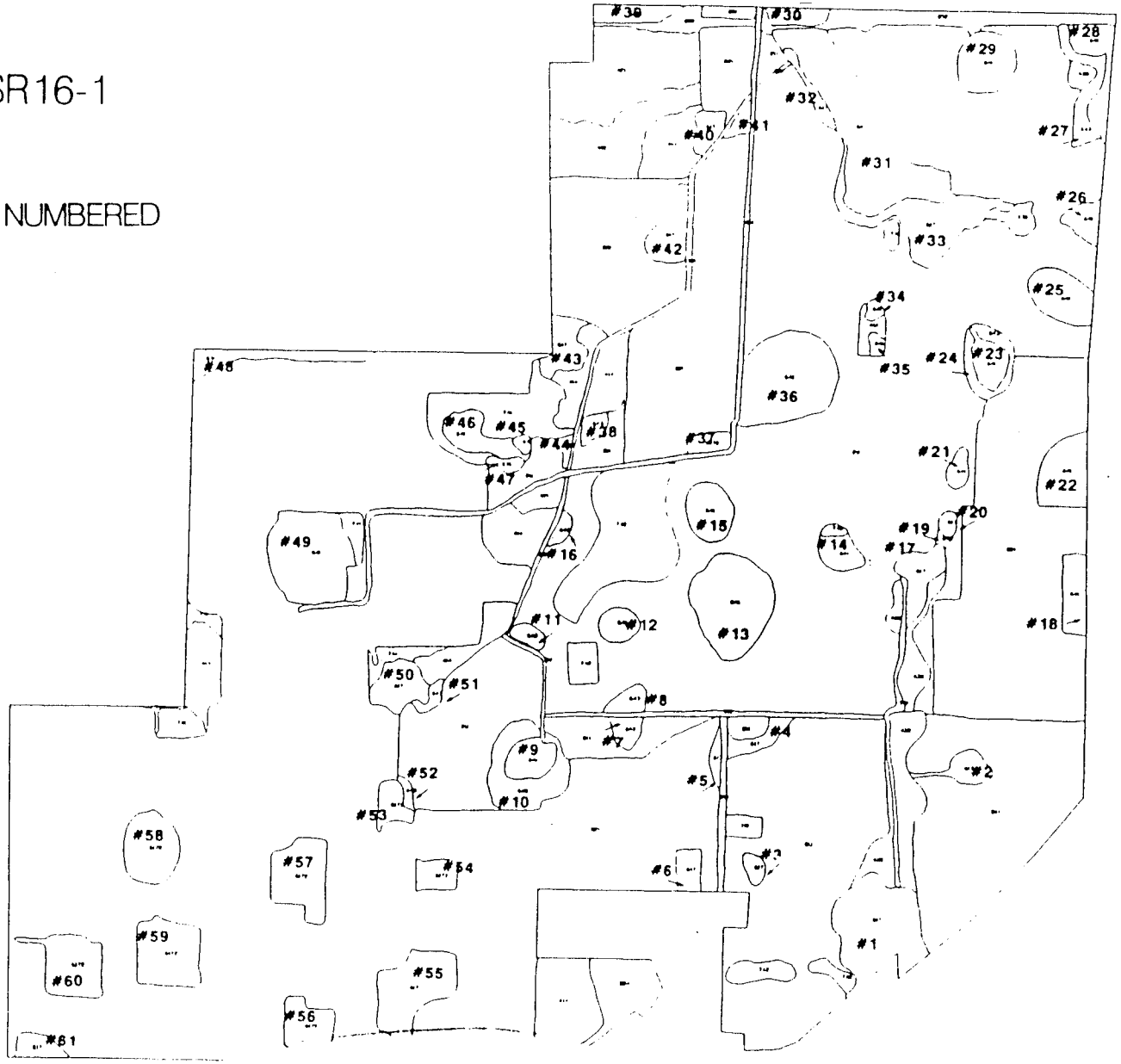
TABLE SR 16-1			
WETLAND #	LAND USE	ACRES	ACRES IMPACT
27	643	2.6	
28	641	7.0	
29	641	4.0	
30	641	1.4	
31	641	14.9	
32	617	1.0	
33	617	6.9	
34	641	0.4	
35	641	0.4	
36	641	9.7	
37	617*	1.0	
38	643	0.8	
39	617*	1.9	
40	617	1.3	
41	617	0.7	
42	617	2.7	
43	617	2.5	
44	643	0.4	
45	641	0.3	
46	641	2.7	
47	641	0.5	
48	641	2.9	
49	641	8.7	
50	617	2.9	
51	643	0.6	
52	643	0.4	

TABLE SR 16-1			
WETLAND #	LAND USE	ACRES	ACRES IMPACT
53	617*	1.6	
54	617*	1.6	
55	617	6.9	
56	617*	2.8	
57	617*	4.8	
58	617*	4.2	
59	617*	5.1	
60	617*	4.5	
61	617	1.3	

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FIGURE SR16-1

WETLANDS NUMBERED



DAMES & MOORE
CIVIL ENGINEERING/WATER RESOURCES/WASTE MANAGEMENT
ENVIRONMENTAL SERVICES/GEOTECHNICAL ENGINEERING/
PLANNING/LANDSCAPE ARCHITECTURE
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ATTACHMENT #5

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ORDINANCE NO. 91-39 OCTOBER 11, 1991

SEWER USE ORDINANCE

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

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SUPERSEDING AND REPLACING ORDINANCE 88-01, SETTING FORTH THE NECESSITY FOR CONTROL OR THE USAGE OF THE PUBLIC WASTEWATER SYSTEM; PROVIDING DEFINITIONS; PROVIDING FOR USE OF THE PUBLIC WASTEWATER SYSTEM; SETTING FORTH PROHIBITIONS AND LIMITATIONS ON USE OF THE COUNTY SYSTEM; SETTING FORTH PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL AND OTHER THAN RESIDENTIAL USERS; REQUIRING PERMITS; PROVIDING FOR FEES AND CHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; REGULATING HAULERS OF SEPTAGE; PROVIDING FOR PERMIT FEES AND OTHER CHARGES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR AN EFFECTIVE DATE AND FOR SEVERABILITY.

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

WHEREAS, pursuant to Sections 381.272 and 381.273, Florida Statutes, the State of Florida Department of Health and Rehabilitative Services is responsible for privately owned onsite sewage disposal, including septic system and

WHEREAS, Manatee County has agreed to an EPA and DER grant requirement to enact a sewer use ordinance, the provisions of which must be in accordance with EPA Regulation 40 CFR 35.2103; and

WHEREAS, the Board of County Commissioners gave notice of a public hearing on an ordinance covering the use of the County's wastewater system and duly held said hearing.

In accordance with the foregoing and for the purposes herein stated, NOW THEREFORE, BE IT ORDAINED by the Manatee County Board of County Commissioners, as follows:

SEWER USE ORDINANCE 91-39

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ARTICLE I

STATEMENT OF PURPOSE

The purpose of these regulations is:

1.01 To require, wherever service has been provided, mandatory connection to the Manatee County Wastewater System of those residences and facilities generating normal sewage and wastewater.

1.02 To prohibit, wherever service has been provided, the use of septic systems and packaged treatment systems.

1.03 To prohibit the contribution of wastes of a nature which in any way create poisonous, flammable, hazardous, or noxious conditions for treatment plant personnel or the general public.

1.04 To prohibit the contribution of wastes which create operational or maintenance problems in the collection system, in the treatment plant and in effluent disposal facilities.

1.05 To prohibit the contribution of wastes which require greater treatment expenditures than are required for equal volumes of normal sewage.

1.06 To prohibit discharge of substances which cannot be removed by the normal treatment process and which adversely effect sludge(s), making them unfit for reuse

1.07 To require pretreatment of certain wastewaters before discharge to the County's System.

1.08 To prohibit unauthorized use of the County System.

1.09 To set forth enforcement and penalties for violations.

ARTICLE II

DEFINITIONS

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

2.01 **ACT**: Means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

2.02 **BOD**: (denoting biochemical oxygen demand) - Means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

2.03 **BYPASS**: The diversion of wastestreams from any portion of an industrial user's treatment facility.

2.04 **CATEGORICAL STANDARDS**: Means the National Categorical Pretreatment Standards.

2.05 **COOLING WATER**: Means the water discharged from any use such as air conditioning, cooling, or refrigeration, or for which heat is the major pollutant.

2.06 **COUNTY**: Means the Board of County Commissioners of Manatee County Florida, and all of the various departments working thereunder.

2.07 **CUSTOMER**: Means any user of the Manatee County Wastewater System.

2.08 **DIRECT DISCHARGE**: Means the discharge of untreated or treated sewage or wastewater directly to the waters of the State of Florida.

2.09 **DIRECTOR**: Means the Director of the Manatee County Public Works Department, or his authorized deputy, agent, or representative.

2.10 **DISSOLVED SOLIDS OR DISSOLVED MATTERS**: Means the solid matter in solution in the wastewater that can be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."

2.11 **DOMESTIC SEWAGE**: Means the sewage produced from non-commercial or non-industrial activities, and which results from normal human living processes, and which is substantially similar in origin and strength to those typically produced in households, including sewage from sanitary conveniences.

2.12 **ENVIRONMENTAL PROTECTION AGENCY, EPA, OR USEPA:** Means the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

2.13 **FDER:** Means Florida Department of Environmental Regulation.

2.14 **GARBAGE:** Means solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

2.15 **HOLDING TANK WASTE:** Means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

2.16 **HRS:** Means the State Department of Health and Rehabilitative Services and its Pollution Control Division.

2.17 **INDUSTRIAL PROCESS WASTE:** Means waste produced by companies manufacturing a product or providing a service such as: aluminum forming, coil coating, copper forming, electroplating, inorganic chemicals, iron manufacturing, metal finishing, nonferrous metals, organic chemicals and plastics, petroleum refining, film developing, commercial car washes, clothing laundries and dry cleaners, pharmaceuticals, pulp, paper and paperboard, automobile and transmission repair and service, anodizing, chemical etching and milling, printed circuit board, alkaline cleaning, chemical matching, photographic (secondary silver), funeral homes (whole blood from embalming process), and pickling.

2.18 **INDUSTRIAL USER:** Means any person or business who introduces pollutants into the Manatee County Public Works Sanitary Sewer Collection System from a non-domestic source which is regulated by Manatee County's Sewer Use Ordinance.

2.19 **INTERFERENCE:** Means the inhibition or disruption of the treatment processes or operation which contributes to a violation of any requirement of the County's permits. The term includes prevention of sewage sludge use or disposal in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, The Marine Protection, Research, and Sanctuaries Act, the Toxic Substance Control Act, or more stringent State or local criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

2.20 **MANATEE COUNTY WASTEWATER SYSTEM OR SYSTEM:** Means all facilities and interests in the real and personal property owned, operated, managed or controlled by the County now and in the future and used to provide wastewater service to existing and future customers within the service area of Manatee County.

2.21 **MAXIMUM CONCENTRATION:** Means the maximum permissible amount of a specified pollutant in a defined volume of water or wastewater.

2.22 **MCPWD:** Means the Manatee County Public Works Department.

2.23 **NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR PRETREATMENT STANDAARDS:** Means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.

2.24 **NATURAL OUTLET:** Means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

2.25 **NEW SOURCE:** Means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under Section 307(c)(33 U.S.C. 1317) which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that (a) the construction is a site at which no other source is located; (b) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or (c) the production or wastewater generating processes are substantially independent of an existing source at the same site.

2.26 **NORMAL SEWAGE/NORMAL WASTEWATER:** Means the combined bath, laundry, garbage disposal, and sink discharges from residential properties.

2.27 **NPDES:** Means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342)

2.28 **PASS-THROUGH:** Means a discharge which exits Manatee County treatment plants into waters of the State of Florida in quantities or concentrations which causes a violation of any requirements of Manatee County's NPDES permit.

2.29 **PERSON:** Means any individual, partnership, or co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives or agents. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

2.30 **pH:** is a symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the concentration of hydrogen ions in gram equivalents per liter of solution.

2.31 **POLLUTANT:** Means solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, biological materials, radioactive materials, rock, sand, dirt, industrial materials and agricultural waste discharged into water or any other material capable of degrading local normal environmental conditions upon introduction to the environment.

2.32 **PRETREATMENT:** Means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into the system. The reduction or alteration can be obtained by physical, chemical or biological processes or by other means, except as prohibited by 40 CFR 5403.6(d).

2.33 **PRIVATE SEWAGE DISPOSAL SYSTEM:** Means a collecting, treating, and disposal facility installed, maintained and owned by persons other than the County and not connected to the public system.

2.34 **PROPERLY SHREDDED GARBAGE:** Means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

2.35 **SEPTAGE:** Means all liquid wastes from any domestic, commercial or industrial source that is carried by any permitted waste hauler, and may be introduced into any Manatee County treatment facility.

2.36 **SEWAGE OR WASTEWATER:** Means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.

2.37 **SHALL:** When used means that it is mandatory but the term "may" when used means that it is permissive.

2.38 SIGNIFICANT INDUSTRIAL USER:

(a) Means all industrial users subject to categoric pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, and any industr user that discharges an average of 25,000 gallo per day or more of process wastewater, or any industrial user who contributes a process waste- stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the receiving wastewater treatment plants, or any industrial user who has a reason- able potential, in the opinion of the Industrial Inspection Manager, to adversely affect the County's treatment process (inhibition, pass- through of pollutants, sludge contamination, or endangerment of Manatee County operators.)

(b) Upon a finding that an industrial user meeting the criteria as set forth above has no reasonabl potential for adversely affecting the County's operation or for violating any pretreatment standard or requirement, Manatee County may at any time, on its own initiative, and in accordan with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

2.39 SIGNIFICANT NONCOMPLIANCE:

(a) Means chronic violations of Manatee County's discharge limits, defined here as those in which sixty-six percent or more of all of the measurem taken during a six-month period exceed the discha limits for the same pollutant parameter.

(b) Technical review criteria (TRC) violations, defin here as those in which thirty-three percent or mo of all of the measurements for each pollutant parameter taken during a six-month period equal o exceed discharge limits, or the average limit multiplied by the applicable TRC (TRC 1.4 for BOD, Total Suspended Solids, fats, oil and grease and 1.2 for all other pollutants with the exception of pH.)

(c) Any other violation of a pretreatment effluent limit that Manatee County determines has caused, alone or in combination with other discharges, interference or pass-through (including an endangerment to the health of Manatee County Personnel or the general public.)

(d) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare

or to the environment or has resulted in Manatee County exercising its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 30 days after the due date, required monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

2.40 STANDARD METHODS: Means the current edition of "Standard Methods for the Examination of Water and Wastewater" as published or republished from time to time by the American Public Health Association or the current USEPA publication "Methods for Chemical Analysis of Water and Wastes." Standard Method procedures encompass the regulations specified in 40 CFR 136 which must be used for compliance testing by an industrial user.

2.41 STATE: Means the State of Florida.

2.42 STORM DRAIN/STORM SEWER: Means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

2.43 STORM WATER: Means any flow occurring during or following any form of natural precipitation and resulting therefrom.

2.44 SUSPENDED SOLIDS: Means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by various filtering and settling techniques.

2.45 TOXIC POLLUTANT: Means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the USEPA under the provisions of Section 307(a) of the Act, or other acts.

2.46 USER: Means any person or business who introduces pollutants into the Manatee County Public Works Sanitary Sewer Collection System.

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

ARTICLE III

USE OF THE PUBLIC WASTEWATER SYSTEM

3.01 NECESSITY FOR CONTROL: From a public health, safety and cost of service standpoint, regulation of the use of the public wastewater system is required.

3.02 SEPTIC TANKS, PRIVIES, CESSPOOLS:

(a) Where County service is available the use of septic tanks, privies, cesspools, and private wastewater systems is prohibited.

(b) The conditions under which septic systems can be used are administered by the State Department o Health and Rehabilitative Services and its Pollution Control Division.

3.03 PRIVATE WASTEWATER SYSTEMS: Any private system that is to be turned over to the County for operation must meet Manatee County Public Works Department (MCPWD) specifications which include color coding of all pipe. Prior to construction, designs must be approved by MCPWD. During construction, the installation will be subject to MCPWD inspection to insure compliance.

3.04 MANADATORY CONNECTION: It is mandatory that all residences and all generators of normal wastewater, including private wastewater systems, connect to the County system when service is available.

3.05 UNLAWFUL CONNECTION OR USE: No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining required approval and paying the appropriate fees and charges.

3.06 DISCONTINUED USE OF LATERAL SEWER: Should a structure be destroyed or moved the lateral sewer must be capped by the owner at the owner's expense. Should the owner neglect to do so, capping will be done by the County and costs paid by the owner.

3.07 REUSE OF LATERALS: Lateral sewers capped under Section 3.06 above shall not be reused unless they meet current County and MCPWD specifications and reuse is approved by the County.

3.08 SEPARATE LATERALS REQUIRED: Except by approval of MCPWD, each building must be served by at least one lateral sewer line.

3.09 **UNLAWFUL DISPOSAL:** No person shall discharge into any natural outlet within the County, into any storm sewer, or anywhere other than an approved facility waste materials of any nature including but not confined to polluted waters, industrial wastes, septic effluent or overflow, sanitary sewage, hazardous materials, toxic materials, inflammable liquids, solid wastes, pesticides and heavy metals.

3.10 **OSHA STANDARDS:** All construction activity by MCPWD or by contractors responsible to MCPWD shall be conducted in accordance with safety standards established by the Federal Occupational Safety and Health Agency.

3.11 **DIRECTOR RESPONSIBLE:** Except as otherwise provided herein, the Director of MCPWD shall administer, implement, and enforce the provisions of this Ordinance.

3.12 **RIGHT TO ENTER:** Authorized personnel from MCPWD shall have the right to enter the premises of any individual or business that is discharging into the sanitary sewer system for the purpose of sampling and inspection and examining and copying records. Representatives of the State of Florida and EPA shall also have the right to enter the premises of any user who is subject to the requirements of this Ordinance.

ARTICLE IV

PROHIBITIONS AND LIMITATIONS ON

USE OF THE COUNTY SYSTEM

4.01 APPLICABILITY: The prohibitions and limitations of this Article apply to all users of the County system, whether or not the user is subject to the National Categorical Pretreatment Standards or any other national, state or local ordinances or requirements.

4.02 WATERS: No person shall discharge or cause to be discharged any storm water, surface water, groundwater roof runoff, sub-surface drainage, uncontaminated cooling water, swimming pool drainage, or unpolluted industrial process waters to any portion of the system

4.03 SUBSTANCES INTERFERING WITH OPERATIONS: No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will interfere with the operation or performance of the Manatee County Wastewater System or any of its treatment plants. A user shall not contribute the following substances to any public sewer:

(a) Flammable and explosive materials, including any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the County Wastewater System or to the operation of said system. At no time shall two successive readings on an explosion hazard meter at the point of discharge into said system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes and sulfides, and any other substances which the County, the FDER, the USEPA, or any other local, regional, state, or federal agency having jurisdiction has notified the user is a fire hazard or a hazard to the system. At no time shall an industrial user discharge a wastestream with a closed cup flash point of less than 140°F.

(b) Any solid, semisolid, or viscous substances which may cause interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides, or flesh, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes. Specifically prohibited is the heating of the contents of grease traps and discharge to the County system.

(c) Any sewage or industrial process waste having a pH lower than five (5.0) or higher than ten (10.0), or any substance having any other corrosive or scaling properties capable of causi damage or a hazard to structures, equipment, lif stations, and/or personnel of the Manatee County Wastewater System.

(d) Toxic pollutants or any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effe in the receiving waters of any County Treatment Plant or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended and also known as the Clean Water Act, 33 U.S.C. 1251, et seq. The most stringent of national, state, and local toxic discharge limits shall be enforced.

(e) Noxious and malodorous materials, including any noxious or malodorous liquids, gases, or solids, other than normal sewage, which either singly or by interaction with other wastes are sufficient t create a public nuisance or hazard.

(f) Materials affecting effluent and sludge disposal including any substances which may cause any

effluent or any other sediment product, such as residues, sludges, or scums to be unsuitable for reclamation process. In no case shall a substance discharged cause the County to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause any County treatment facility to violate its NPDES and/or FDER permit or the receiving water quality standards.

(h) Any sewage or wastewater with objectionable color, not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.

(i) Any waters or wastes containing substances, including nonbiodegradable detergents, which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge, or which violates any contract, ordinance, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

(j) Any concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate

4.04 SUBSTANCES INCREASING COST OF OPERATION: No persons shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely, in the sole opinion of the Director, that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will

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

(a) High temperature wastewater, including any sewage or wastewater having a temperature in excess of 100 degrees Fahrenheit, which will inhibit biological activity in any treatment plant.

(b) Unshredded garbage including any garbage that has not been properly shredded to the extent that particles are 1/2" and less in size.

(c) Substances producing unacceptable odors, including any water or wastes containing phenols or other wastes in such concentrations that, after treatment, will exceed limits which may be established as necessary for reuse of effluent or sludge.

(d) Any radioactive wastes or isotopes of any description.

(e) Unacceptable flow rates - slugs including any organic pollutants, heavy metals, or oxygen demand pollutants released at a flow rate and/or pollutant concentrations which a user knows or has reasons to know will cause damage to Manatee County's Sanitary Sewer Collection System or the receiving wastewater treatment plants. In no case shall an intentional slug load be discharged into the County's sewer system. (For purposes of this Section, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.) In cases of accidental slug releases, notification must be given to MCPWD within 24 hours, and must be followed up with a written report within 5 days of the slug release. This report must explain why the slug release happened and what measures will be taken to prevent such a spill in the future. The notification shall include:

(1) The date, time, location and duration of discharge.
(2) The type of waste including concentration and volume.
(3) Any corrective action taken by the user.

Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this Ordinance or other applicable State or Federal laws.

(f) Fats, waxes, greases and oils, including any water containing fats, wax, grease, or oils, whether emulsified or not, in excess of 140 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred degrees Fahrenheit, which could cause pass-through or interference.

4.05 NOTIFICATION OF CHANGED DISCHARGE: All industrial users shall promptly notify Manatee County in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

4.06 NOTIFICATION OF DANGEROUS DISCHARGE: All industrial users shall permanently post a notice in a prominent place advising all employees to call 792-8788, Manatee County Public Works, in the event of a dangerous discharge.

4.07 CARCINOGENS: No person or commercial operation shall discharge or cause to be discharged any known carcinogen in an amount specified hazardous to the operation of the treatment facility, its personnel, the collection system, its personnel, or the receiving waters or the discharge waters of the treatment facilities.

4.08 MANATEE COUNTY INDUSTRIAL DISCHARGE LIMITS

Parameter	Limit mg/l	Collection Method
Arsenic - Total	1.65	Composite
Beryllium - Total	0.35	Composite
Cadmium - Total	0.11	Composite
Chromium - Total	2.77	Composite
Copper - Total	3.38	Composite
Cyanide - Total	1.20	Grab
Lead - Total	0.69	Composite
Mercury - Total	0.11	Composite
Nickel - Total	3.98	Composite
Selenium - Total	1.65	Composite
Silver - Total	0.43	Composite
Zinc - Total	2.61	Composite
Total of 12 Metals	9.40	Composite
pH	5.0 - 10.0	Grab
Chloride - Total	550	Composite
Biochemical Oxygen Demand	1200	Composite
Suspended Solids - Total	1200	Composite
Oil and Grease - Total	140	Grab
Toxic Organic - Total	2.13	Grab

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

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

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

ARTICLE V

PROHIBITIONS AND REQUIREMENTS FOR INDUSTRIAL, COMMMERCIAL AND OTHER THAN RESIDENTIAL USERS

5.01 FEDERAL AND STATE PRETREATMENT STANDARDS: Certain industrial users have or will have to comply with Federal and State pretreatment standards, specified quantities, concentrations of pollutants or other conditions of pollutants. All such industrial users shall comply with such National and State standards and shall also comply with the additional or more stringent standards contained in this Ordinance.

5.02 CONFIDENTIAL INFORMATION:

(a) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of Manatee County that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such unless and until a determination is made by Manatee County that such information is not entitled to confidentiality. Effluent data shall be available to the public without restriction.

(b) When the person furnishing a report satisfies Manatee County that such person has made the demonstration required by the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this Ordinance, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State of EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(c) Notwithstanding the provisions of Section 5.02(a) and (b) above, the provisions of Chapter 119, Florida Statutes, may prohibit the County from protecting such information and data.

5.03 **COUNTY STANDARDS**: Maximum allowable concentrations of certain materials and elements are listed in the tables in Article IV. Dilution of discharge to meet concentration standards is not an acceptable method of meeting standards. Toxic parameters are not allowed in excess of the stated parameters. Article IV also specifies discharges to the County's system which are prohibited. Industrial and other users whose wastewater does not meet County standards must establish pretreatment facilities providing discharges meeting County standards.

5.04 **PRETREATMENT CANDIDATES**: The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewers: bleaching and dyeing bottling, brewing, cotton textile manufacture, processing dairies, dairy products, distilling, fat rendering, film processing, galvanizing, glue manufacturing, laundromats, lens grinding operations, manufacturing of syrups, jams or jellies, plating facilities, meat packing, metal pickling or plating, munition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber production salt works slaughterhouses, soap making, sugar refining, tanning, wood scouring or washing, or any person or industry producing industrial process waste, as defined, or any person producing wastes with strong acid or alkaline reactions which will form deposits in, or cause damage to, the sewers or to appurtenances of sewage treatment works. The Director of MCPWD may place additional industries on this list as needed.

5.05 **PRETREATMENT FACILITIES**: Users that must provide pretreatment facilities must design, construct, maintain, and monitor them at their own expense. Such facilities must provide protection against accidental discharge and such protection must be approved by the County prior to connection to the County system. Included must be an effluent sampling manhole (control manholes) which must be available to the County at all reasonable times for sampling. User monitoring schedule must be approved by the County and monitoring results made available for review by the County.

5.06 **ACCIDENTAL DISCHARGES**: Accidental discharges of prohibited materials or substances regulated by this Ordinance require, within 24 hours, telephone notification to the Director of MCPWD or his representative, MCPWD, or the representative in charge. Such notification does not relieve the discharger of any liability. Within 5 days following the occurrence the user shall provide the Director of MCPWD with a written report describing the cause of the discharge and measures taken to prevent future occurrences.

5.07 BYPASS:

(a) Bypass not violating Federal or State pretreatment standards or Sewer Use Ordinance 91-39. An industrial user may allow any bypass to occur which does not violate pretreatment standards, but only if it is for essential maintenance to assure efficient operation. These bypasses are subject to:

(1) Notification of bypass 5 days in advance to the Director of MCPWD.
(2) Reason for bypass and duration.
(3) Total flow discharged during bypass.
(4) Sampling events prior to bypass to ensure compliance during bypass.

(b) Bypass violating Federal or State pretreatment standards or Sewer Use Ordinance 91-39. An industrial user shall orally notify MCPWD of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within 24 hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of a bypass. The written submission shall contain:

(1) A description of the bypass and its cause.
(2) The duration of the bypass, including times and dates.
(3) Notification if the bypass has not been corrected.
(4) Steps taken to prevent a recurrence of a bypass.

(c) Bypass is prohibited and MCPWD may take enforcement action against an individual user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
(2) There was not feasible alternative to bypass, such as use of auxiliary treatment facilities or retention of waste.
(3) Maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance.)

5.08 **SPILL PREVENTION PLANS:**

(a) Industrial users shall provide protection from accidental discharge of materials which may interfere with Manatee County's collection system or the receiving wastewater treatment plants by developing a spill prevention plan. Spill prevention plans shall be approved by MCPWD prior to construction of the facility. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

(b) Industrial users that store hazardous substances shall not contribute to Manatee County's Sanitary Sewer Collection System after the effective date of this Ordinance unless a spill prevention plan has been approved by Manatee County.

(c) MCPWD shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary. If the County decides that a slug control plan is needed, the plan shall contain the following elements:

(1) Description of discharge practices, includin non-routine batch discharges.
(2) Description of stored chemicals and quantities.
(3) Procedures for immediately notifying Manatee County of a slug load discharge, including any discharge that would violate a prohibition, with procedures for follow-up written notification within five days.
(4) If necessary, procedures to prevent adverse impact from accidental spills, maintenance of materials, control of plant site runoff, worker training, building of containment structures, and/or measures and equipment for emergency response.

5.09 **UPSET PROVISIONS:**

(a) Definition. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the following requirements are met:

(1) An upset occurred and the industrial user can identify the causes.

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(3) The industrial user has submitted the following information to MCPWD within 24 hours of becoming aware of the upset:

(i) A description of the discharge and cause of noncompliance.

(ii) The period of noncompliance, including exact dates, and times or, if not corrected, the anticipated time the noncompliance is expected to continue

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(d) User responsibility in case of upset. The industrial user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This

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

5.10 MEASUREMENTS, TESTS, ANALYSES: All sampling measurements, tests and analyses of the characteristics and composition of waters and wastes to which reference is made in this Ordinance shall be done in accordance with regulations specified in 40 CFR 136 which must be used for compliance testing by all industrial users, Methods for Chemical Analysis of Water and Wastes, and any applicable regulations as published by the USEPA for sampling which shall be at the control manhole, or sampling site as designated by MCPWD. If such a site is not available it is incumbent upon the user to place in line, a suitable sampling port, which must be approved by MCPWD.

5.11 BASELINE REPORT (for categorical dischargers only)

(a) Industrial users subject to National Categorical Pretreatment Standards shall submit Baseline Reports to MCPWD in a form prescribed and furnished by MCPWD.

(b) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after a final administrative decision within has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later, industrial users which are existing sources subject to such National Categorical Pretreatment Standards and currently discharging into the Manatee County Wastewater System, shall submit a properly completed Baseline Report.

(c) New sources, when subject to a National Categorical Pretreatment Standard, shall submit a Baseline Report at least 90 days prior to commencement of discharge, to MCPWD.

(d) In support of the Baseline Report, the industrial user shall submit in units and terms specified in the application, the following information:

(1) Name and address of the facility, including the name of the operator and owners.
(2) List of any environmental control permits held by or for the facility.

(3) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the County's Collection System from the regulated processes.

(4) Information showing the measured average daily and maximum daily flow in gallons per day, to the County's Collection System from each of the following:

(i) Regulated process streams, and
(ii) Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

(5) The industrial user shall identify the National Categorical Pretreatment Standards applicable to each regulated process, and shall:

(i) Submit the results of sampling and analysis, identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
(ii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. Manatee County may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
(iii) The user shall take a minimum of one representative sample to compile the

data necessary to comply with the requirements of this paragraph.

(6) A statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether National Categorical Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the National Categorical Pretreatment Standards.

(7) If additional pretreatment of O&M will be required to meet the National Categorical Pretreatment Standards, the industrial user will provide the shortest schedule which will provide additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable National Categorical Pretreatment Standard.

(i) Where the industrial user's National Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR 403.7) or the combined waste stream formula (40 CFR 403.6(e), or net/gross calculations (40 CFR 403.15) at the time the industrial user submit a Baseline Report, the information required in Section 4.1(d)(6) and (7) shall pertain to the modified limits.

(ii) If the National Categorical Pretreatme Standard for the industrial user is modified after the Baseline Report is submitted, the industrial user shall make any necessary amendments to information provide as a response to Section (d)(6) and (7) and submit them to MCPWD within 60 days after the modified limit is approved.

(8) The following conditions shall apply to any schedule submitted in response to Section 5.11(d)(7):

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction.)

(ii) No increment referred to in Section 5.11(8)(i) shall exceed nine months.

(iii) Not later than 14 days following each date in the schedule and final date for compliance, the user shall submit a progress report to MCPWD including, at a minimum, whether or not it complied with the increment of progres to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to MCPWD.

(9) Such other information as may be reasonably requested by MCPWD.

5.12 COMPLIANCE DATE REPORT: Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into Manatee County's Collection System, any user subject to Categorical Pretreatment Standards shall submit to MCPWD a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Standard and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. Where equivalent mass or concentration limits are established by Manatee County

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

5.13 PERIODIC COMPLIANCE REPORTS:

(a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into Manatee County's Collection System, shall submit to MCPWD during the months of June and December, unless required more frequently in the pretreatment standard or by the Industrial Inspection Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 5.11(d)(4). At the discretion of the Director of MCPWD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director of MCPWD may alter the months during which the above reports are to be submitted.

(b) Significant noncategorical industrial users shall submit to the MCPWD at least once every six months (on dates specified by the Director of MCPWD) a description of the nature, concentration, and flow of the pollutants required to be reported by MCPWD.

5.14 **SIGNIFICANT INDUSTRIAL USERS:**

(a) Categorical Significant Industrial User Monitoring Requirements: Categorical significant industrial users, as identified by MCPWD, must supply every six months, analytical laboratory reports which reflect the effectivenes of their pretreatment systems. Extra sampling data performed by a categorical significant industrial user, if any, shall also be reported to MCPWD. Categorical significant industrial users shall also report all violations of this Ordinance or their industrial discharge permit within twenty-four hours of such violation -- all parameters reported to be in violation shall be resampled within thirty days of the initial date of violation. All laboratory data reported by a categorical significant industrial user must include quality control and quality assurance information such as relative standard deviations, percent spike recoveries, and duplicate statistic

(b) Categorical Significant Industrial User Sampling Procedures: All samples collected by a categorical significant industrial user shall be by composite. In cases when a composite is not possible, four grabs taken at peak flow thirty minutes apart may be substituted. All samples collected shall be at "end of process" and/or prior to combination with another waste-stream. Sampling for the pollutant cyanide shall be collected after cyanide treatment and before dilution with other wastestreams.

(c) Categorical Significant Industrial User Baseline Monitoring Requirements: Baseline monitoring reports, periodic reports, and compliance dates shall be based on sampling and analysis performed in the time period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Sampling and analysis may be performed by Manatee County Public Works in lieu of an industrial user. When Manatee County Public Works collects all the information required for the report, the significant industrial user will not be required to submit the report.

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

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

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

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

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

These reports shall be based on sampling and analysis performed in the period covered by the report. This sampling analysis may be performed by MCPWD in lieu of a noncategorical industrial user. When MCPWD collects all required information, a noncategorical user will not be required to submit a report.

(f) Inspection and Sampling of Significant Industrial Users. ...gnificant Noncategorical Users, and Nonsignificant Industrial Users: All of the above named industrial users shall be inspected and sampled twice per year by MCPWD. Pursuant to 40 CFR all samples collected shall be by 24-hour composite where feasible. A minimum of four grab samples shall be used for pH, cyanide, oil and grease, and toxic organics. MCPWD may collect four grab samples in certain situations to better document a representative sample of the effluent being discharged.

3.15 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE: Manatee County shall annually publish, in the largest local daily newspaper, a list of the significant industrial users identified as being in significant noncompliance with applicable pretreatment requirements or standards at least once during the previous calendar year. The notification shall also summarize any enforcement action taken against the significant industrial user during the same twelve months.

3.16 INDUSTRIAL USER RECORD KEEPING:

(a) All industrial users shall retain and make available upon request of authorized representatives of MCPWD, the State of Florida, or the EPA all records required to be collected by an industrial user pursuant to this Ordinance.

(b) All records shall remain available for a period of at least three (3) years after creation of said records.

(c) This period shall be extended during any litigation concerning compliance with this Ordinance or with permit conditions.

ARTICLE VI

PERMITS REQUIRED

6.01 **PERMIT ESTABLISHED:** The County hereby establishes an industrial wastewater discharge permit. The Director may include reasonable and necessary terms, and conditions in the permit. A permit will not be issued until all applicable fees and charges are paid and the provisions of this Ordinance are otherwise met.

6.02 **LATERAL SEWER PERMITS:** Lateral sewer lines from the sewer main to the property line are installed by and shall be the responsibility of MCPWD. The portion of the lateral from the property line to the structure is under the jurisdiction of the Manatee County Planning and Development Department. Specifications for on site laterals are set forth in the Manat County Plumbing Code. Off site specifications are set forth in Manatee County Public Works uniform sewer specifications.

6.03 **WHERE REQUIRED:** All industrial users who discharge in the Manatee County wastewater system must first obtain a permit. Industrial dischargers connected to the system prior to the effective date of this Ordinance have six (6) months to apply for a permit, but such discharger is subject to all other provisions of this Ordinance.

6.04 **PERMIT APPLICATION:** An application form prescribed by the County must be completed and filed with MCPWD Where appropriate, the applicant shall submit:

(a) Name, address, telephone number of applicant, location of the industrial facility, and name and address of the owner of the premises from which wastewater is to be discharged.

(b) A description of the operations and processes utilized by the operations, type and amount of raw materials processed and type of products produced.

(c) Average daily and peak hourly wastewater flow rates, include daily, monthly and seasonal variations, if any, and estimated time and duration of daily and peak flows.

(d) An analysis of the wastewater as determined by a qualified laboratory acceptable to MCPWD and in accordance with regulations specified in 40 CFR 136, which must be used for compliance testing by all industrial users.

(e) Site plans, floor plans, mechanical and plumbing plans with details showing drains, sewers, sewer connections and appurtenances by size, location and elevation.

(f) Number and type of employees and hours of operation of the plant.

(g) A baseline monitoring of the discharge to the MCPWD collection system.

(h) Any other information deemed necessary by the Director to evaluate the application.

If an industry changes its operations to the extent that the quantity or quality of its discharge into the County system is modified, a new permit is required prior to the change.

6.05 PERMIT CONTENTS - ALL PERMITS SHALL CONTAIN PROVISIONS ADDRESSING:

(a) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this Ordinance, or limits as established by the State of Florida.

(b) Requirements to pay fees for the industrial process waste to be discharged into Manatee County's Sanitary Sewer Collection System.

(c) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.

(d) Requirements for installation and maintenance of inspection and sampling facilities.

(e) Requirements and specifications for monitoring programs, including sampling location, frequency of sampling, number, types and standards for tests and reporting schedules.

(f) Compliance schedules.

(g) Requirements for submission of technical reports, discharge reports and certification statements.

(h) Requirements for collecting and retaining plant records relating to an industrial user discharge

(i) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the pretreatment system.

(j) Requirements for notification of spills, release of slug loads, and upsets or violations.

(k) Requirements for installation, operation and maintenance of pollution control equipment.

(l) Requirements to implement spill and slug control plans.

(m) Statement of civil and criminal penalties for violation of Federal laws and this Ordinance.

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

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

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

6.08 **MODIFICATION OF PERMITS:**

(a) The terms and conditions of any permit may be changed by the County during the life of the permit to accommodate changes in local, state, or federal regulations or in the event that data upon which the permit was issued has changed. permit holders shall be notified of a change sixty (60) days prior to the effective date of the chan

(b) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require

compliance with such standard within the time frame prescribed by such standards.

6.09 PERMITS NOT TRANSFERABLE: Wastewater discharge permi are issued to a specific user for a specific operatio A wastewater permit shall not be transferred to a new owner, new user, or different premises unless approve by the Director.

6.10 TYPES OF INDUSTRIAL USERS:

(a) Type I industrial user is a significant industrial user who uses numerous toxic chemicals in their product production.

(b) Type II industrial user is an industry that is not a significant user but has a high process flow and has the possibility to discharge pollutants which cause harm to the receiving sanitary collection system.

(c) Type III industrial user is an industrial user with a very low process flow and who utilizes very few toxic chemicals in their product production.

ARTICLE VII

FEES AND CHARGES

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

(a) Provide sufficient revenue to fund all operation, maintenance, replacement, and debt service cost of the system;

(b) Be based on actual quantities and quantities discharged to the system by user;

(c) Be based on equitable distribution of operation and maintenance costs to each class of customer or user;

(d) Be based on experience and itemized budgeted costs approved by the Board of County Commissioners;

(e) Allow for annual or biennial review; and

(f) Provide for notification of proposal rate changes pursuant to law.

ARTICLE VIII

ENFORCEMENT AND PENALTIES

8.01 RIGHT TO ENTER: Duly authorized employees of the County shall be permitted to enter all properties without prior notice for the purposes of inspection, observation, copying of records, measurement, sampling, and testing. This requirement is hereby made a condition to the issuance of all industrial wastewater discharge permits.

8.02 REJECTION OF CERTAIN WASTES: If any sewage, waters or wastes are discharged to the County's system or are proposed to be discharged, which water in the judgment of the Director may have a deleterious effect upon the system, create a hazard to life, constitute a public nuisance, or adversely affect reuse of effluent and sludge the Director may:

(a) Reject the wastes.

(b) Require pretreatment to an acceptable condition for discharge.

(c) Require control over quantities and rates of discharges.

(d) Assess a surcharge to cover added handling, treatment, and disposal costs.

8.03 SUSPENSION OF SERVICE: The Director may suspend water and/or wastewater service and/or a permit in order to stop an actual or threatened discharge which represents an imminent or substantial endangermen to the health and welfare of persons, to the environmen or the MCPWD wastewater system and which could cause a treatment facility to be in non-compliance with Federal, State, or local regulations. Any person notified of a suspension of the wastewater service and/or the permit shall immediately stop or eliminate the condition. In the event of a failure of a person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damge and/or endangerment to any individuals or treatment plant operation. The County shall reinstate the permit and/or the wastewater service

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

8.04 REVOCATION OF PERMIT: In addition to the revocation condition of 8.03, any user who violates any of the following conditions or applicable Federal and State regulations is subject to having his permit revoked for

(a) Failure to factually report the wastewater discharge constituents and characteristics.

(b) Failure to report significant changes in wastewater constituents and characteristics.

(c) Refusal of reasonable access to the user's premises.

(d) Obtaining a permit by misrepresentation or failure to fully disclose.

(e) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(f) Violation of any of the conditions of the permit

8.05 DISCHARGING WITHOUT PERMITS: Any industry discharging to the County's system without a permit, in addition to all other penalties, will be charged twice the normal permit fee. Normal permit fees are as provided in this Ordinance.

8.06 DISCHARGING TOXIC SUBSTANCES: In addition to any other penalties, the full costs to the County of disposal, treatment and all other related costs related to toxic substances in the wastewater will be charged to the discharger.

8.07 DISCHARGES RESULTING IN CORRECTIVE MAINTENANCE, REPAIR OR REPLACEMENT: In addition to any other penalties, discharges that result in damage to any component of the system, or the clogging of lines, will result in all repair, maintenance, and replacement costs being charged to the offender.

8.08 UNLAWFUL CONNECTION TO OR USE OF THE COUNTY SYSTEM:

Any person discharging into manholes, or any points of entry to the system, or connecting to the system without approval of MCPWD shall in addition to any other penalties provided by law, be subject to a surcharge of $500.00 for each instance, and shall pay all additional costs resulting from this action, and twice the estimated quantity charge.

8.09 PENALTIES PROVIDED BY STATE STATUTE: Trespass and larceny with relation to the Manatee County Wastewater System is punishable as a first degree misdemeanor, pursuant to Section 812.14, Florida Statutes.

ARTICLE IX

WASTE HAULERS AND SEPTAGE

9.01 WASTE HAULER: Waste Hauler is defined as any person, commercial or industrial enterprise, permitted, licensed, or otherwise allowed to carry or carrying solid waste, sewage, sewage sludge, chemical wastes or biological materials, which may otherwise be defined as "septage." The waste hauler is subject to all parts of this Ordinance and to any and all parts of 40 CFR 403.

9.02 WASTE HAULER PERMIT: A waste hauler must, in addition to any other permit, have a valid, current permit to discharge septage at any treatment facility operated by Manatee County. This permit to discharge septage, shall be issued by the Industrial Compliance Office of MCPWD. Permits may be obtained from the Industrial Compliance Office by completing the necessary application form.

9.03 WASTE HAULER MANIFEST: Any waste hauler discharging into any Manatee County treatment facility shall have a manifest before any discharge will be allowed. This manifest shall include the origin of all septage to be discharged. This means:

(a) The name and address of the facility from which the waste hauler picked up the septage.

(b) A description of the septage as to being:

(1)Residential
(2)Commercial
(3)Industrial
(4)Otherwise

(c) Detailed description.

(d) The date of the pick up.

(e) The time of the pick up.

(f) Person(s) responsible from which the septage was taken.

9.04 MANIFEST FORMS: The manifest forms must conform to the example as shown on figure 9.04(A).

F I G U R E 9 . 0 4 (A)

WASTE HAULER MANIFEST FORM

WASTE HAULING COMPANY NAME _____ WASTE HAULER PERMIT No. _____

NO.	DATE	NAME OF CUSTOMER	CUSTOMER ADDRESS	TYPE OF WASTE	ESTIMATED GAL. OF WASTE
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

I certify that the information listed here is true, accurate and complete. I am aware of the conditions and requirements of the Waste Hauler Permit. I understand that failure to comply with the Permit may result in immediate suspension of the Permit and/or possible penalties as may be allowed by law.

Driver/Operator Signature: _____

TO BE COMPLETED BY TREATMENT FACILITY REPRESENTATIVE AT THE TIME OF DISCHARGE TO THE TREATMENT FACILITY.

Date: _____ Time: _____ Vehicle Discharge Class: _____

Sample ID # (if collected): _____

Comments: _____

Signature: _____

Title: _____

9.11 **COSTS OF ANALYSES:** If upon laboratory analysis of the septage from a waste hauler, it is determined that the waste hauler's septage exceeds the limits or considerations of this Ordinance, the waste hauler and/or source will be liable for all costs incurred by the treatment facility and the analytical cost of the septage, and all other charges as stated within this Ordinance.

9.12 **WASTE HAULER TRUCK PERMIT FEE:** Each vehicle engaged in the hauling of wastes to any treatment facility shall be required to bear an identifying permit decal, which shall be issued each year. The cost of this decal per vehicle shall be two hundred dollars ($200.00). The decals are non-transferable and are valid for one (1) year only. The Industrial Compliance Office shall issue the decals.

9.13 **VIOLATION OF WASTE HAULER DECAL:** Any person, industry, or commercial operation with an expired decal shall be subject to a surcharge of fifty dollars ($50.00). Repeat violations will be subject to loss of permits for a period of up to one (1) year, in the discretion of the Director.

ARTICLE X

PERMIT FEES AND OTHER CHARGES

10.01 **INSPECTION FEES:**

(a) Inspection fees are to be charged at the rate of twenty-five dollars ($25.00) per hour with the fee not to exceed one huundred fifty dollars ($150.00 for the inspection phase of the permitting process

(b) Violation inspection or if an industry or commercial operation is found to be out of compliance, the industry or commercial operation will be charged at the rate of thirty-five dollars ($35.00) per hour per person per visit until said industry or commercial operation comes into compliance.

(c) Analytical costs or the costs of performing analyses on a non-compliance operation will be charged at the current analytical rate as charged by the MCPWD laboratory and/or with any charges incurred by the County in conjunction with another outside laboratory performing analyses that are not analyzed by the MCPWD laboratory.

(d) Any analytical cost not covered or any cost incurred in the analytical field during a non-compliance inspection, will be billed to the violator at the County's cost plus the handling charges incurred by the County.

10.02 **INDUSTRIAL DISCHARGE PERMIT FEE:**

(a) Type I.....$1,800.....3 Year Period

(b) Type II.....$900.....3 Year Period

(c) Type III.....$250.....3 Year Period

ARTICLE XI

ADMINISTRATIVE ENFORCEMENT REMEDIES

11.01 NOTIFICATION OF VIOLATION: Whenever Manatee County finds that any industrial user has violated or is violating any provision of this Ordinance, the Director may serve upon said user written notice of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a witten plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves an industrial user of liability for any violations occurring before or after receipt of the notice of violation.

11.02 CONSENT ORDERS: The Director of MCPWD is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with an industrial user responsible for the noncompliance. Such orders will include compliance schedules, surcharges or remedial actions, and signatures of the authorized representative of the user and the Director.

11.03 SHOW CAUSE ORDER: The Director may order any industrial user which causes or contributes to a violation of this Ordinance to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served by certified mail at least ten (10) days prior to the hearing.

11.04 COMPLIANCE ORDER: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer servcie shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved.

11.05 CEASE AND DESIST ORDERS: When the Director finds that an industrial user has violated or continues to violate this Ordinance, he may issue an order to cease and desist all illegal discharges immediately. In an emergency, the order to cease and desist may be given by telephone; in non-emergency situations, the

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

11.06 **ADMINISTRATIVE SURCHARGES**: Notwithstanding any other section of this Ordinance, any industrial user who is found to have violated any provision of this Ordinance, or of permits, or of orders issued hereunder shall be charged an amount not to exceed one thousand dollars ($1000.00) per day of violation. Such assessments shall be added to the industrial user's next scheduled sewer service charge.

11.07 **EMERGENCY SUSPENSION**: The Director may suspend an Industrial Discharge Permit if such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of County workers, any treatment plant, or the environment. Any industrial user notified of a suspension shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection. The Director shall allow the user to recommence its discharge when the endangerment has passed. An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the Director.

11.08 **ENFORCEMENT - JUDICIAL REMEDIES**: If any person discharges sewage or industrial waste into Manatee County's Sanitary Sewer Collection System contrary to the provisions of this Ordinance, or any order or permit issued hereunder, the County, through the County Attorney, may commence an action for appropriate legal and/or equitable relief in the Courts of Manatee County.

11.09 **INJUNCTIVE RELIEF**: Whenever an industrial user has violated or continues to violate the provisions of this Ordinance, or of any permit, or of orders issued hereunder, the County, through the County Attorney may petition the court for the issuance of a preliminary or permanent injunction, or both, which restrains or compels the activities of the industrial user.

11.10 **CIVIL PENALTIES:** Any industrial user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be subject to a civil penalty of not more than one thousand dollars ($1000.00) plus actual damages incurred by Manatee County, per violation, per day, as long as the violation continues. In addition to the above described penalty and damages, Manatee County may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses. The County shall petition the court to impose, assess, and recover such sums. In determining amounts of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor that justice requires.

11.11 **CRIMINAL PROSECUTION:** Any industrial user who wilfully violates any provision of this Ordinance, or any orders or permits issued hereunder, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed two thousand dollars ($2000.00) and/or imprisonment in the County jail of up to sixty (60) days. Each day of a continuing violation shall be deemed a separate and distinct violation.

11.12 **SURCHARGES TO BE ADDED TO UTILITY BILLING:** Any surcharges provided for in this Ordinance may, at the discretion of MCPWD, be added to the applicable user's monthly utility billing, if the user is a MCPWD utility or solid waste customer.

11.13 **ADMINISTRATIVE HEARINGS:** Any administrative surcharges provided for in this Ordinance shall be imposed only after the following hearing procedure has been complied with:

(a) The Director shall provide the alleged violating user with written notification of the specific violation(s) and the applicable sections(s) of this Ordinance.

(b) The notification provided in subsection (a) above shall inform the alleged violating user of a date and time for an administrative hearing, which hearing shall occur no earlier than ten (10) days after the violator's receipt of the notification.

(c) The Director or his designated representative shall preside over the administrative hearing and shall entertain testimony and evidence.

(d) The alleged violating user shall have the opportunity to be represented by counsel and to examine and cross examine witnesses.

(e) If the alleged violating user is represented at the hearing by counsel, the MCPWD shall likewise be represented by the Office of the County Attorney

(f) The Director shall issue written findings as soon after the hearing as is practicable.

(g) The decision of the Director, if adverse to the alleged violating user, may be appealed to the Board of County Commissioners, in open session, for a final and binding decision. If an appeal is to be taken, written notice of the appeal shall be delivered to MCPWD no later than ten (10) days after the violator's receipt of the Director's written findings.

ARTICLE XII

EFFECTIVE DATE; RESCISSION OF ORDINANCE 88-01; AND SEVERABILITY

12.01 **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon the receipt of official acknowledgment from the Office of the Secretary of State, State of Florida, that this Ordinance has been filed with said office.

12.02 **SUPERSEDING ORDINANCE 88-01:** This Ordinance shall supersede and replace Ordinance 88-01 in its entirety.

12.03 **SEVERABILITY OF INVALID PROVISIONS:** If one or more of the provisions of this Ordinance should be held contrary to any express provision of law, or shall for any reason whatsoever be held null and void, it shall in no way affect the validity of other provisions of this Ordinance.

ORDINANCE NO. 91-39

SEWER USE ORDINANCE

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 1st day of October, 1991.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: Patricia M. Glass
Chairman

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

By: _____