

**MANATEE COUNTY ZONING ORDINANCE
PDMU-98-08(Z)(G)(R-2)
HERITAGE HARBOUR (f.k.a. HERITAGE SOUND)**

FILED FOR RECORD
R. B. SHORE

2008 APR -4 AM 8:59

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

An ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS TO REZONE PARCEL 35 FROM THE A ZONING DISTRICT TO THE PMDU ZONING DISTRICT, AMEND THE ZONING ORDINANCE, APPROVE REVISED GENERAL DEVELOPMENT PLAN FOR HERITAGE HARBOUR; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2008 MAR 25 AM 10:05

FILED

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-98-08(G)(R).

Ordinance PDMU-96-08(G)(R) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superceded by this ordinance.

Section 2. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in Ordinance 08-33, as amended, Section 380.06F.S., the Manatee County Comprehensive Plan or the Manatee County Land Development Code, in that order of precedence.

Section 3. FINDINGS OF FACT.

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

- A. The Manatee County Planning Commission has reviewed the request and filed a recommendation with the Board of County Commissioners; and
- B. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission, concerning the application for amendment of the Official Zoning Atlas, the Zoning Ordinance, and General Development Plan as it relates to real property described in Section 6 of this Ordinance for a multi-use development.
- C. The Board of County Commissioners held public hearings on July 26, 2007, September 6, 2007, September 27, 2007, November 1, 2007, December 6, 2007, January 3, 2008, February 7, 2008, February 26, 2008, and March 11, 2008 regarding said proposed Official Zoning Atlas Amendment and the amendment to the Zoning Ordinance and General Development Plan described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.
- D. The proposed amendment to the Official Zoning Atlas and the amendment to the Heritage Harbour Zoning Ordinance General Development Plan regarding the property described in Section 6 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the 2020 Manatee County Comprehensive Plan), as amended.

Section 4. GENERAL DEVELOPMENT PLAN

- A. The General Development Plan, dated March 2008, entitled Heritage Harbour, is hereby APPROVED to allow a multi-Use development, with the following conditions and modifications, included herein in Section 4.

B. The previous development order for Heritage Harbour, which was adopted on March 21, 2000, and all subsequent amendments are hereby replaced in their entirety, 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 previously been granted and not specifically herein or otherwise modified or amended.

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined.

DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

- A(1). This Development Order approval shall constitute approval of the Revised General Development Plan application subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- A(2). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.
- A(3). The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, solid waste service, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for for the project shall be valid until December 31, 2012. This includes the three year extension authorized pursuant to Paragraph 380.06(19)(c), Florida Statutes.

TABLE 1 - Development Totals

TYPE OF DEVELOPMENT: Multi-Use Development.
LOCATION: Northeast of the intersection of I-75 and SR 64.
TOTAL DEVELOPMENT AMOUNTS :

CATEGORY	PHASE I 2000-2012*	PHASE II 2004-2012*	TOTAL
Commercial			
Retail	300,000 s.f.	497,000 s.f.	797,000 s.f.
Office Hotel	103,250 s.f 150 rooms	66,750 s.f. 150 rooms	170,000 s.f. 300 rooms
ACLF	0	600 beds	600 beds
Residential			
Single family detached	1,290 units	980 units	2,270 units
Single family attached/ semi-attached	500 units	640 units	1,140 units
Multi-family	760 units	830 units	1,590 units
Total Residential Units	2,550 units	2,450 units	5,000 units
Marina	162 wet slips	300 dry slips	462 slips
Recreational Open Space			

Golf Course	36 holes	9 holes	45 holes
Park	41.2 acres		41.2 acres
Institutional	7.5 acres	2.8 acres	10.3 acres

* December 30 of referenced year for Phase I and December 31 for Phase II. The buildout dates includes the three year extension authorized pursuant to Paragraph 380.06(19)(c), Florida Statutes.

A(4). Geographic phasing is not approved with this project. Phase assignments shall be based on the order that the project receives Final Site Plan approval.

B. TRANSPORTATION CONDITIONS

B(1). The following roadway and intersection improvements shall be required or mitigated as part of Phases I and 2. 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*, identified in the DRI documentation, which has previously been permitted in the Project*. New external p.m. peak hour project trips shall be based on the trip rates defined by Table 21-8 of the ADA and adjusted for pass-by and internal capture as established by Table 21-10 of the ADA (Exhibit 8). The Developer* shall not be entitled to a Preliminary Site Plan* approval which would result in the cumulative number of net new external p.m. peak hour trips for the Project* to exceed the applicable net external p.m. peak hour project trip* thresholds set forth in Table 2 unless Funding Commitments* from Responsible Entities* have been obtained to ensure that the improvements required are in place Concurrent* with such Preliminary Site Plan.

**TABLE 2
Required Improvements**

Intersection	Required Improvement	Impact Fee Creditable	When Required
a. I-75 West-ramps/SR-64	Signalize when warranted (completed)	No	Notes 1&4
b. I-75 East-ramps/SR-64	(1) Signalize when warranted (2) Reconfigure northbound off-ramp and provide a second right-turn lane. (all improvements completed)	No Yes	Notes 1&4
c. SR-64 and Lena Road	(1) Signalize when warranted (2) Eastbound left-turn lane (3) Westbound right-turn lane (4) Southbound exclusive left-turn lane (5) Southbound shared through/right-turn lane (All improvements completed)	No No No No No	Notes 1&4
d. SR-64/Kay Road	(1) Retrofit the existing Southbound approach (N. Leg) of Kay Road (local Improvement). (2) Extend the Eastbound left-turn lane to 520 feet. (3) Westbound right-turn lane (length	Note 2 Yes Note 2	Notes 2&4

	300 feet) (Local Improvement) (4) Signalize when warranted (5) Southbound right-turn lane (local improvement) (All improvements completed)	No Note 2	
e. Grand Harbour Pkway/SR-64	(1) Dual Eastbound left-turn lanes (completed) (2) Westbound right-turn lane (completed) (3) Exclusive Southbound right-turn lane (completed) (4) Exclusive Southbound left-turn lane (completed) (5) Signalize when warranted (completed) (6) Westbound left-turn lane (completed)	No No No No No Yes	Notes 1&4
f. River Heritage Blvd/SR-64	(1) Directional Eastbound left-turn lanes (completed) (2) Westbound right-turn lane (completed) (3) Exclusive Southbound right-turn lane (completed) (4) Signalized when warranted	No No No No	Notes 1&4
g. SR/64/Lakewood Ranch Blvd/Upper Manatee River Rd.	(1) Northbound left-turn lane (completed) (2) Southbound right-turn lane (local improvement) (completed)	Yes	Notes 3&4
h. SR70/I-75 ramps	(1) Signalize when warranted(local improvement) (completed)	No	
i. I-75 & SR 64 interchange	Contribute \$190,000 for construction costs (completed)	No	

Roadway	Requirement Improvement	Impact Fee Creditable	When Required
a. SR-64 from I-75 to Lena Rd	Widen to 4-lanes (completed)	Yes	Notes 1&4
b. SR 64 from Kay Rd to Lena Road	Develop and implement a time based coordinated signal system (local improvement) (completed)	No	Concurrent with signal installation
c. SR 64 from 39 th St. E to Kay Road	Widen from 4 to 6 lanes	Yes	See Stipulation B(9)
d. Port Harbour Parkway	Extend from its current terminus to Upper Manatee River Road	Yes	See Stipulations B(5) and B(9)

All improvements on state roads are subject to FDOT approval.

Note 1: The Developer* shall be responsible for design, permitting, and construction of this improvement within thirty-six (36) months of the date upon which Ordinance 00-19 became non-appealable (the date for construction of these improvements has been extended pursuant to an agreement with Manatee County. The Developer* or its Assignees shall be entitled to receive transportation impact fee credits for these improvements as defined in Table 2 above.

Note 2: The existing south approach (north leg) of Kay Road shall be relocated further west to form a typical four-legged intersection with the existing T-intersection at 60th Street Court East (completed). Right-of-way, design, and required permits shall be provided by the County* (completed). The Developer* shall only be responsible for funding and implementing the construction of the improvement and the County* shall reimburse the Developer* for all costs associated with construction of the Local Improvement portions of this improvement. Should Manatee County fail to obtain the required right-of-way and the appropriate permits and complete the design, prior to the commencement of Phase II, the Developer* shall not be prevented from continuing development, provided that when the County does obtain right-of-way and permits and complete design, the Developer* begins construction of this improvement within 6 months. This intersection Improvement (regional improvements 2 and 4) shall be eligible to receive transportation impact fee credits. All local improvements (1, 3, and 5) shall be subject to the Reimbursement Agreement between the County* and the Developer*.

Note 3: The Developer* shall be responsible for design, permitting, and construction of this improvement prior to exceedance of 2,474 p.m. peak hour net new external project trips* (completed). The Developer* or its Assignees shall be entitled to receive transportation impact fee credits for these improvements as defined in Table 2 above.

Note 4: These improvements shall be funded by the Developer* via the posting of a bond in a form and manner acceptable to the County*. The bond for Intersection Improvements a., b., c., e., and f., and both Roadway Improvements (a., and b.) shall be posted prior to the receipt of the first permit allowing for Vertical Development*. The bond for Intersection Improvement d. shall be posted the earlier of completion of right-of-way acquisition, design and permitting or December 1, 2004. The bond for Intersection Improvement g. shall be posted the earlier of July 1, 2004 or upon reaching 2,474 p.m. peak hour net new external project trips*. The Developer,* unless otherwise specified herein, shall be responsible for negotiation for, and acquisition of any right-of-way necessary to accomplish this requirement. The Developer* shall be responsible for all fees and costs associated with the purchase of right-of-way, unless otherwise specified herein. If the Developer* is unable to acquire the right-of-way through a negotiated purchase, then the County* shall use it's power of eminent domain to acquire the necessary right-of-way. If condemnation is required, the Developer* shall be responsible for all associated costs with the litigation and reimburse the County, unless otherwise specified herein. Progress regarding completion of this improvement shall be included in each Annual Report. The Developer* shall provide documentation regarding such progress and provide an updated schedule of completion addressing design, right-of-way acquisition, permitting and construction. The County* shall determine the reasonableness of each updated schedule. Should the updated schedule require an extension of time for the completion of the improvement due to right-of-way acquisition or permitting, the County* shall determine if an extension of time is acceptable and if an amendment to this Zoning Ordinance is required (All right of way has been acquired).

B(2). When Certificates of Occupancy have been issued for 2,000 residential units, or the equivalent thereof in terms of net new external p.m. peak hour project trips, 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 the Project* are not exceeded. Counts shall continue on an annual basis through buildout. This information shall be supplied in the required Annual Report for the Development Order. If the Annual

Report indicates the total trips exceed projected counts by more than 15%, Manatee County shall conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and may amend the Development Order to change or require additional roadway improvements. If an Annual Report is not submitted within thirty (30) days of its due date, Manatee County may conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and may 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. Such a variance shall be presumed to be a substantial deviation unless the developer rebuts this presumption by clear and convincing evidence. 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.

- B(3). When Certificates of Occupancy have been issued for 2,000 residential units or the equivalent thereof, in terms of trip generation, 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 amendment. 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 peak automobile occupancy rates by 10% by 2002 through expanded ride sharing efforts.
- Increase peak hours occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2002.

- B(4). Prior to the first Final Plat, or Certificate of Occupancy if platting is not required, the developer shall dedicate right-of-way along its entire frontage to accommodate the future six laning of State Road 64. (Completed) The Developer or its assignees shall be entitled to receive full transportation impact fee credit for the dedication as defined in Table 2. (Completed) The construction of model homes and the sales center shall be exempt from this condition if the Developer* does not have title to the property to be dedicated at the time a Final Plat or Certificate of Occupancy is issued for model homes or the sales center.

- B(5). Prior to commencement of Phase II, the developer shall dedicate 100 feet of right-of-way and construct Port Harbour Parkway as a two-lane thoroughfare roadway, including sidewalks, bike lanes, appropriate intersection improvements and associated retention, from its I-75 terminus to the eastern boundary of the original 2,485 acre tract.
(Completed)

For that portion of Port Harbour Parkway on the north side of the 288 acre addition (Parcel 35), adjacent to where the Waterlefe project previously dedicated 42 feet of right-of-way, the Developer* shall dedicate the necessary remaining right-of-way to achieve a total width of 105 feet for the eastern most 500 foot segment and 100 feet for the remaining segment, prior to the first Final Plat approval in Parcel 35.

This segment of Port Harbour Parkway shall be completed as a two lane divided roadway (outer lanes) with bike lanes and sidewalks and include the ultimate configuration of Port Harbour Parkway at the intersection of Upper Manatee River Road as set forth in Stipulation in B(9). Temporary striping shall be utilized until the full intersection improvements are made by the county.

- B(6). The developer shall provide easement(s) to Manatee County to allow for attenuation and treatment of all stormwater from the planned build-out conditions (6-lane thoroughfare roadway with intersection improvements and sidewalks) for half of Upper Manatee River Road. A Drainage, Maintenance, and Access Easement shall also be provided to Manatee County for conveyance of stormwater from Upper Manatee River Road to the stormwater pond. The Drainage-Maintenance Access Easement shall be on clear and level ground and free of obstructions, including any landscaping in addition to the roadway buffer. Manatee County shall be responsible for the construction of the drainage conveyance improvements, the restoration of the roadway buffer and the maintenance of the free flow of the drainage conveyance. The pond within the stormwater easement shall not be a bonded improvement. Prior to Final Plat approval for the first plat abutting Upper Manatee River Road, the easements shall be approved by the Property Management Department and recorded in the Public Records and the developer shall submit to the Public Works Department the SWFWMD approval letter demonstrating that the approved stormwater pond has been designed with the capacity to accommodate the drainage for the build-out of Port Harbour Parkway as described above. Completion of the above improvements by Manatee County shall not require any further authorization from the developer or Home Owners Association.

- B(7) The original development order provided for construction of a frontage/access road to the Timberlane RV Park. In lieu of this frontage/access road the developer shall provide the following alternative:
1. Once S.R. 64 construction begins, the contractor shall maintain safe access to Timberlane RV Park pursuant to FDOT rules. Once the right turn lane set forth in #1 below is constructed, the right turn deceleration lane shall be maintained during construction, while the existing SR 64 pavement is being utilized for traffic.
 2. The alternative access through Heritage Harbour will be as indicated on Map A, entitled Timberlane Access.
 3. Alternative access through Heritage Harbour shall be facilitated with signage agreed to by Harborvest and Timberlane, in conformance to FDOT and Manatee County sign regulations. (Note: Guidance signs will not be permitted on FDOT R.O.W.)

4. Timberlane shall provide a letter to FDOT indicating their satisfaction with alternative proposed. (completed)
5. If this alternative is selected, Harbourvest shall be responsible for the costs it has incurred to date associated with the construction of the frontage road. Any legally recognizable costs of the adjacent property owner (Musgrave) which are the result of the County's use of eminent domain, shall be the County's responsibility.

As part of this alternative, Timberlane RV will be responsible for the following prior to their Certificate of Occupancy:

1. A right-turn deceleration lane with a 12-foot lane for 100-feet and a 200-foot taper shall be in place on SR 64 prior to the opening of the Timberlane RV Park.
 2. The deceleration lane shall be built according to the appropriate FDOT standards and shall be approved by FDOT and Manatee County.
 3. Timberlane shall provide visitors information relative to traffic circulation.
- B(8) In addition to the access shown on the GDP for Parcel 35, an access shall be provided to Upper Manatee River Road. The second street access shall have a minimum separation of 1,300 feet from Port Harbour Parkway and 800 feet from 2nd Avenue East.
- B(9). The County has identified the construction of Port Harbour Parkway from its current terminus to the Upper Manatee River Road (or the alternative project as identified in #3 below) ("PFSM Project") as a benefit to a regionally significant transportation facility. Such construction will be in conformance with the provisions set forth below in this Section B(9) and will satisfy the mitigation requirements of Section 163.3180(12) Florida Statutes.
- a. Developer* will enter into an agreement with the County in which the Developer* will commit:
 1. to pay to the County its proportionate fair share mitigation "PFSM" for transportation impacts prior to the first Final Site Plan for any residential development in Phase II to assure construction of the PFSM Project. The PFSM has been calculated to be \$2,775,500.00;
 2. to dedicate to the County the right of way necessary to complete the construction of Port Harbour Parkway, and for Upper Manatee River Road as depicted on the General Development Plan at the request of the County and to waive impact fee credits for such right of way dedication;
 3. to construct Port Harbour Parkway (the PFSM Project), the cost of which has been determined to be in excess of the PFSM, within 5 years of the approval date of this ordinance, utilizing funds from the PFSM payment to the County as well as additional contributions from the Developer; and
 4. to post a bond or letter of credit in the amount of the difference between the PFSM and the costs of the construction of the PFSM Project, as estimated by Developer's engineer and approved by the County, securing such commitment, prior to the approval of the first Final Site Plan for any residential development in Phase II.

The effective date of the agreement will be approximately 45 days after execution to allow for statutory lag time (appeal period, etc.). If the developer transfers a

substantial portion of the project to a contract purchaser, the contract purchaser shall also be a party to the agreement.

- b. Upon entering into the agreement, the Developer* will be issued a Certificate of Level of Service ("CLOS") for Phase II. The CLOS shall allow Developer to proceed with construction of the commercial development of Phase II of the Project* immediately and with construction of residential units in Phase II upon payment of the PFSM and posting of the bond or letter of credit, but no earlier than January 1, 2010 (except for model homes which may proceed immediately after entering into the agreement).
 - c. Initially, the PFSM Project identified for construction will be Port Harbour Parkway as set forth above. However, the County will retain the option to reprogram the Developer's contributions (PFSM payment and financial equivalent of commitment to complete Port Harbour Parkway) to another major project (possible SR 64 if it can be used to forward-fund state construction dollars).
 - d. In the event the County elects to use the PFSM for a project other than Port Harbour Parkway, Developer shall construct Port Harbour Parkway within one year of the Final Site Plan approval of the 1500th unit in Phase II. Prior to approval of the Final Site Plan for the 1500th unit in Phase II the Developer shall post security assuring such construction. Impact fees paid by Phase II of the development shall be earmarked by the County for such construction and shall be used for such construction.
 - e. The Developer will receive impact fee credits for 100% of the Developers PFSM payment and cost of construction of the PFSM Project, but will waive impact fee credits for the donation of right of way for Port Harbor Parkway.
- B(10). The developer shall provide easement(s) to Manatee County to allow for attenuation and treatment of all stormwater from the planned build-out conditions (4-lane thoroughfare roadway with intersection improvements and sidewalks) for both sides of Port Harbour Parkway. A Drainage, Maintenance, and Access Easement shall also be provided to Manatee County for conveyance of stormwater from Port Harbour Parkway to the stormwater pond. The Drainage-Maintenance Access Easement shall be on clear and level ground and free of obstructions, including any landscaping in addition to the roadway buffer. Manatee County shall be responsible for the construction of the drainage conveyance improvements, the restoration of the roadway buffer and the maintenance of the free flow of the drainage conveyance. The pond within the stormwater easement shall not be a bonded improvement. Prior to Final Plat approval for the first plat abutting Upper Manatee River Road, the easements shall be approved by the Property Management Department and recorded in the Public Records and the developer shall submit to the Public Works Department the SWFWMD approval letter demonstrating that the approved stormwater pond has been designed with the capacity to accommodate the drainage for the build-out of Port Harbour Parkway as described above. Completion of the above improvements by Manatee County shall not require any further authorization from the developer or Home Owners Association
- B(11) Prior to the first Final Site Plan approval in Phase II the developer shall :
- a. pay \$70,000 into the Sidewalk Fund for the cost of the construction of sidewalks on both sides of Kay Road from the northern terminus of the existing sidewalk along Kay Road to the existing sidewalks at the west end of Port Harbour Parkway, including walkway structures over Cypress Strand; and
 - b. dedicate right-of-way along Kay Road to accommodate the construction of the

sidewalks provided the developer has the legal ability to provide such dedication.

C. ENVIRONMENT

C(1). Vegetation, Wildlife, and Wetlands

- a. In the event that any additional state or federally-listed species are discovered on-site during project development, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and Manatee County EMD and implement the appropriate measures for species conservation as recommended by the Florida Fish and Wildlife Conservation Commission.
- b. A management plan for the project, consistent with Policy 3.3.2.2 of the Comprehensive Plan, for removal of nuisance and exotic species, shall be developed by the applicant and approved by Manatee County prior to the first Final Site Plan approval for the project. (Completed for that portion of the project site south of Port Harbour Parkway.)
- c. Prior to approval of any Final Subdivision Plat (or Plan if Platting is not required), the Developer* shall record Land Development covenants or deed restrictions designed to prevent homeowner's activities from degrading habitat.
- d. Wetland buffers along the Manatee River, [the river as shown on Map F (Exhibit 1)], tidal creeks and islands shall be a minimum width of 50'. Wetland buffers adjacent to the marina shall be consistent with the Land Development Code and Comprehensive Plan. All other buffers shall be a minimum width of 30 feet, unless otherwise approved by the Planning Department, consistent with the Comprehensive Plan and Land Development Code.
- e. Upland buffers between on-site wetlands, marshes, streams or rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be replanted with native, transitional zone or upland vegetation. All wetland buffers shall have signage posted depicting the purpose and intent of the buffer. Signage text and location shall be approved by the Planning Department. The use of pesticides, herbicides, or fertilizers, unless part of an approved nuisance and exotic management plan, shall be prohibited in these buffers and the wetlands they protect.
- f. The Developer* shall submit a wetland management and mitigation plan to the County* for approval prior to, or concurrent with Preliminary Site Plan applications. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on- and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and preliminary plans for mitigated or significantly enhanced wetlands.
- g. Post-development wetlands, conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall be placed under conservation easements conveyed to Manatee County consistent with the restrictions on development provided for in Section 719 of the Land Development Code.
- h. The maximum amount of wetland impacts shall not exceed the total listed in Table 13-4, revised October 2006, attached as Exhibit 2. However, at time of

Preliminary Site Plan approval, all proposed wetland impacts shall demonstrate compliance with minimization, avoidance, and mitigation, pursuant to the Comprehensive Plan, prior to authorization of any wetland impacts.

- i. The native upland plant community quantities committed to be preserved in Table 12-2 of the NOPC application dated May, 2004 (Exhibit 3), shall include 75 percent of the pine flatwoods and pine-mesic oak community located adjacent to the Manatee River and its tributaries, mangrove swamps, and saltwater marshes.
- j. As shown in Table 12-2 of the NOPC application dated May, 2004 (Exhibit 3), 36 acres of upland forested communities shall be preserved to provide habitat for the Sherman's fox squirrel.
- k. Concurrent with the construction of the internal roadways adjacent to Mitigation Area 6 and the associated wetlands shown on Exhibit 12, the Developer shall construct a fence which will be a minimum of four feet in height and of chain link or a similar material that will prevent passage of young sandhill crane chicks. The general location and extent of the fence is shown on Exhibit 12. (Completed)
- l. Unless otherwise approved by the Planning Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.
- m. There shall be no trimming or cutting of mangroves within conservation easements in this development after the effective date of this ordinance. The removal of dead limbs may be allowed subject to approval by the Planning Department. Language shall be incorporated into the required Conservation Easements, HOA documents, and Notice to Buyers. The owners of the golf course and any other open space adjacent to mangroves shall also be notified of this prohibition. The specific language shall be reviewed by the Planning Department with the Final Site Plan. The conservation easements containing this prohibition shall be submitted to the County Attorney's Office for approval as to form, prior to recording in the Public Records.

C(2). Air Quality

- a. Manatee County shall reserve the right to require mitigation measures or a revision of the site plan to alleviate potential negative impacts of the project on ambient air quality.
- b. Best Management Practices shall be employed during site preparation and construction to minimize air quality impacts.
- c. Any open burning conducted on site as part of land clearing activities shall be permitted by EMD.

C(3). Water Quality and Stormwater Management

- a. An Integrated Pest Management Plan (IPMP) shall be developed and approved by Manatee County prior to the first Final Site Plan. **Completed.** The IPMP shall address the following items:
 - (1) Fertilizer/pesticide/herbicide/application;
 - (2) Golf course pest management methods and procedures; and
 - (3) Related quality control and assurance procedures.

A training manual shall be developed as part of the IPMP for maintenance personnel and made available on site at all times.

- b. The Developer shall implement the surface and ground water monitoring plan in accordance with the Heritage Sound Water Quality Monitoring Plan included as Appendix 14 S.1 in the Heritage Sound DRI Application for Development Approval Sufficiency Response dated March 1999 (Exhibit 10), and as amended for the Moore's Dairy site in accordance with the Water Quality Monitoring Plan approved by the Manatee County Environmental Management Department (MCEMD) on October 11, 2005 and included as Section IV in the Heritage Harbour DRI Notice of Proposed Change 2nd Sufficiency Response dated September 2005, unless otherwise modified with the approval of the Environmental Management Department.
- c. There shall be no individual groundwater wells associated with single or multi-family residences allowed within the development. This requirement shall be noted in all homeowner documents and disclosure statements. The location and well size of existing wells shall be indicated on each Preliminary Site Plan submitted for the project. A Well Management Plan, for the proper rehabilitation/abandonment of existing wells in accordance with SWFWMD Rule Chapter 40D-2, shall be submitted to the EMD for review and approval prior to authorization of construction.
- d. The developer shall conduct annual inspections of the surface water management system on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage or treatment for which it was designed and intended.
- e. The stormwater management systems shall be designed, constructed, and maintained to meet Chapter 40D-4 of the Florida Administrative Code. At a minimum, planted littoral zones equivalent to 35 percent of the total minimum lake area needed for stormwater treatment shall be required and shall be concentrated at the outfall.
- f. 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.
- g. All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules. All existing underground storage tanks within the project* shall be identified prior to the first PSP approval. **Completed.**
- h. An Environmental Assessment of the site shall be conducted by an Environmental Consultant to determine potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums). Should evidence of hazardous material be discovered, further investigations will be required to determine the level of contamination and appropriate remediation/mitigative measures. The Environmental Assessment for the entire site shall be conducted and submitted for County review prior to the first Preliminary Site Plan approval. Development restrictions may be imposed if any contamination is discovered. **Completed.**

C(4). Floodplains

- a. All habitable structures and access roadways shall be constructed above the 100-year flood elevation.
- b. Compensation for the loss of 100-year flood storage capacity shall be provided through cut and fill balance calculation and further confirmed by the no-rise certification procedure.
- c. All homeowner documents, real estate disclosure forms, deeds of sale or lease agreements for land or structures in the post development 100-year flood plain on the project site of Heritage Harbour, shall be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from coastal and fresh water flooding. This disclosure shall also list potential mitigation strategies including elevation, construction of safe rooms, window protection (shutters/security film), where the builder has exceeded coastal construction codes and other potential measures to increase safety.
- d. The applicant shall meet or exceed all appropriate federal, state, and local construction codes, setback requirements, and flood plain management regulations.
- e. All infrastructure, including gravity sewer, lift stations, service cleanouts, and manhole rims shall be set at 12 inches above the 25-year floodplain or 4 inches above the 100-year floodplain.
- f. Adequate maintenance easements shall be provided on Cypress Strand (major drain). Prior to dedication, the creek embankment, excluding areas remaining in their natural states, shall be stabilized through seeding, sodding, and rip rap. The Engineer shall provide as-built typical sections for the purpose of maintenance. Any alteration to the creek shall not cause a rise in the FEMA 100-year flood elevation.

C(5). Soils

- a. Best Management Practices shall be employed during site preparation and construction to prevent soil erosion.

C(6). Manatee Protection

- a. Prior to any marina construction, the developer shall prepare a Manatee Protection Plan. The Plan shall be approved by the Florida Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District, and Manatee County Environmental Management Department. The following elements shall be included:
 1. The Developer shall comply with all standard FWCC manatee construction conditions for all in-water construction.
 2. A manatee education program shall be developed and implemented for all slip lessees.
 3. A navigation channel shall be designated and marked with U.S. Coast Guard approved markers from the marina downstream to the I-75 Bridge prior to occupying any wet slips. The Developer shall be responsible for

posting and maintaining the markers for the established channel in perpetuity, unless the Developer* obtains a commitment for posting and/or maintenance by an appropriate governmental agency. The Developer shall be responsible for posting and maintaining the markers from its marina to the designated main river channel in perpetuity, unless otherwise posted and/or maintained by an appropriate governmental agency.

4. A sign will be installed and maintained at the facility for boaters traveling to the Manatee River. The sign shall notify boaters of the controlling depth of the river, and request that boaters stay in the marked channel.
 5. The use of the boat ramp shall be limited to lessees/owners of slips at the docking facility.
 6. The maximum draft, including propeller(s) for vessels associated with this project shall be 2.5 feet or as otherwise approved through the permitting process. This requirement shall be posted at the marina and included in all homeowner's documents, real estate disclosure forms, deeds of sale, or lease agreements for land or structures.
 7. Before commencement of the dry storage and boat lift, a speed zone from the I-75 Bridge to the vicinity of the east line of Section 16, Township 34 South, Range 19 East, shall be established by local ordinance and posted. The main marked channel shall be regulated at a speed, or speeds, as determined from public hearings and passing of an ordinance by the Manatee County Commission, with all other waters regulated as slow speed, minimum wake as applicable per Manatee County regulations. The Developer shall be responsible for posting and maintaining the established speed zone markers/buoys in the designated areas unless the Developer* obtains a commitment for posting and maintenance by an appropriate governmental agency.
 8. The Developer shall assist in the enforcement of the speed zone, once, established. It shall be a term of the lease of any slip that violations of the speed zone ordinance may result in the revocation of the lease. An employee will be responsible for issuing warnings to lessees who are violating the speed zone. This person will also be responsible for a revocation process of the leased slip for individuals who are cited for violating the speed zone ordinance and pay a fine or are found guilty of violating the ordinance by a court of competent jurisdiction.
- b. Except for docks whose sole purpose is to provide access to nature parks or picnic areas, and excluding specifically docks for individual or multiple single family use, the only docks on the site shall be at the marina if the marina is permitted.
 - c. The total number of boat slips allowed for this development in perpetuity shall not exceed 462. The first phase shall consist of up to a maximum of 162 wet slips and boat ramp. The second phase shall consist of up to a maximum of 300 dry slips. The second phase shall not be initiated until two years after the first phase has been completed.

D. ARCHAEOLOGICAL AND HISTORICAL RESOURCES.

- D(1). The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County in accordance with Rule Chapter 9J-2 FAC.

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, and the County*. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

E. WASTEWATER MANAGEMENT

- E(1). The Certificate of Level of Service for wastewater must be obtained with each Final Site Plan.

F. WATER SUPPLY

- F(1). The Certificate of Level of Service for water must be obtained with each Final Site Plan.

- F(2). The developer shall use non-potable water, stormwater, reclaimed water (when available) for irrigation of landscaping. When available, the applicant shall use reclaimed water or another alternative source (other than the Floridan aquifer) for tee areas, fairways, greens, and common areas. Irrigation systems shall be designed, installed, and operated for maximum water use efficiency and be developed by an irrigation contractor licensed or certified by the State of Florida. The irrigation system shall include the following:

- (a) Irrigation zones with differing water requirements such as putting greens, tees, fairways, and common areas shall be irrigated separately.
- (b) Low-volume irrigation system components shall be used to the maximum extent possible.
- (c) High-frequency irrigation areas shall be limited to tees and greens.
- (d) The irrigation system shall include rain sensors with automatic rain shutoff devices which shall be installed on each controller within the irrigation system.
- (e) Maintenance of the irrigation system will include resetting the automatic controllers according to the season and checking, adjusting, and repairing irrigation devices to ensure optimum operating efficiency.

- F(3). For the purpose of potable or reclaimed water conservation, utilization of Xeriscape landscaping principles shall be incorporated into the golf course design and other landscape areas which shall include ecologically viable portions of the site's existing native vegetation. Xeriscaped areas shall not be irrigated.

- F(4). The applicant shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the project with the following sources, in order of preference; (1) treated wastewater, (2) treated stormwater; (3) non-potable quality groundwater. Prior to each Final Site Plan approval, the developer shall identify the irrigation source which will be utilized. When it becomes available from Manatee County, Heritage Harbour shall connect to the County's

wastewater reuse system. All wells no longer needed for irrigation purposes shall be properly abandoned except for such wells as may be needed for emergency purposes.

- F(5). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).
- F(6). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. The water conservation fixtures and measures (low water use toilets, shower heads and other plumbing fixtures) referenced in the ADA shall be required.
- F(7). The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- F(8). All irrigation wells which are not proposed for use (about 30) or are not needed for emergency purposes shall be properly sealed and abandoned prior to commencement of development in the areas where the wells are located. Additionally, an appropriately located irrigation well or wells as approved by Water Management District staff shall be tested annually for salinity.

G. SOLID/HAZARDOUS WASTE/MEDICAL WASTE

- G(1). The County has determined that there exists adequate solid waste capacity to accommodate the impacts of the Project*. The Certificate of Level of Service shall be valid until December 31, 2012.
- G(2). In the event that hazardous materials or medical waste are located on the site, they shall be handled in a manner consistent with applicable Federal, State, and Local regulations.

H. ENERGY

- H(1). The developer shall use xeriscape landscaping wherever possible to reduce both water and energy consumption.

I. RECREATION AND OPEN SPACE

- I(1). The Project* shall contain, at a minimum, 893.9 acres of open space. The property designated for recreation purposes shall include a 37.0 acre community park open to the public, a 4.2 acre private neighborhood park, a 12.0 acre marina, 250.0 acres of golf, and 5 acres of usable park area in Parcel 35.

The usable park area in Parcel 35 shall be provided as follows:

- a. In addition to the recreation space shown on the GDP, an additional three "pocket parks" for active recreation shall be distributed (1/4 -1/2 mile maximum distance from homes to parks or greenways leading to parks) within said parcel. These parks shall be connected with pedestrian sidewalks.
- b. The size, location, and configuration of each pocket park shall be approved by Manatee County with each Final Site Plan and shall generally be a minimum of 1 acre. Each pocket park may include shade trees, playgrounds, seating, water fountains, shade structures, open play areas, picnic areas with pavilions, tables, and grills, or other demographically appropriate recreation amenities/facilities as approved by the Parks Department at time of FSP approval. Pocket parks may be reduced to a minimum of ¼ acre provided the applicant can demonstrate to the satisfaction of the Parks Department that sufficient land areas is provided to

accommodate the recreational uses.

- c. Acreage for trails and greenways may count towards the acreage specified above. For any trails not located within a recreation area/park, the trail shall be calculated as 3 times the width times the length of the trail.
 - d. Lakes, wetlands, and other water features may be partially included in the recreation open space acreage provided they include recreation amenities such as fishing/observation piers, boardwalks, canoe/kayak/boat launches or other water related amenities. Acreage for this spaces shall be calculated at 3 times the area of the recreation amenity itself (ie: the footprint of a fishing/observation pier) but shall not include the acreage of the entire water body.
- I(2). The Developer shall be responsible for the maintenance of all recreation and open space areas within the project site not dedicated to the County.
- I(3). A system of bicycle and pedestrian trails shall be developed to link the residential, commercial and recreational areas. If bicycle trails are combined with the required sidewalk system, then it shall be designed and constructed with a minimum width of 8 feet. If it is not combined with the sidewalk, then a 4 foot wide lane shall be provided on each side of the roadway. Prior to the first residential subphase south of the Port Harbour Parkway and the first residential subphase north of Port Harbour Parkway a comprehensive pedestrian/bicycle plan for each side of Port Harbour Parkway shall be submitted and approved by Manatee County. **Completed.** Prior to the first Preliminary Site Plan approval for Parcel 35, the plan shall be amended to include Parcel 35.
- I(4). If the golf course is not developed prior to the adjacent residential development, the residential site plans and plats shall accommodate the proposed golf courses. Prior to the 3rd annual report after the first Final Plat or Certificate of Occupancy, which ever occurs first, an eighteen hole golf course shall be competed and open for play. If this is not completed, no further site plan approvals for the project shall be granted. **Completed.**
- I(5). Prior to the Final Plat (or Final Site Plan if platting is not required) approval of the 1,000th unit north of Port Harbour Parkway, a designated neighborhood recreational area(s), containing a minimum of 10 acres total, shall be established. The area(s) shall include passive recreation for those who do not participate in sports. This shall be in addition to the park identified as Parcel 34.
- I(6): Each subphase, other than Parcel 16, with lots less than 6,500 square feet shall contain a neighborhood park at least 20,000 square feet in size.
- J. PUBLIC SAFETY.
- J(1). The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share for each Phase*, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for Phase 2*. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **Completed for Phase 1**

K. HURRICANE PREPAREDNESS

- K(1). The applicant/developer shall promote awareness of hurricane/flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.
- K(2). The applicant shall meet or exceed all appropriate federal, state, and local construction codes, setback requirements, and flood plain management regulations recognizing the vulnerability of this site to fresh water flooding and tropical storms and hurricanes.
- K(3). Prior to the first Final Site Plan for a site located either completely or partially within the Coastal Planning Area, as identified in the Comprehensive Plan, the applicant shall develop a master plan for evacuation and recovery to ensure the safe and orderly evacuation of vulnerable residents, hotel guests, and employees after an official evacuation order is issued. This plan shall include such provisions as, but not be limited to: (1) ordering all buildings in the evacuated areas closed for the duration of a hurricane evacuation order; (2) informing all residents, guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation and re-entry/recovery plans. This plan shall be submitted to the DCA and the County for review and approval before approval of a Final Site Plan for habitable construction within the Coastal Planning Area. DCA shall have 45 days to comment on this plan. **Completed and attached as Exhibit 13.**
- K(4). Prior to the first Final Site Plan approval for any site located either completely or partially within the Coastal Planning Area for habitable construction, the applicant shall develop a master plan for mitigating the project's impacts on emergency public shelters consistent with the requirements of Rule 9J-2.0256, FAC. These measures may include, but not be limited to: construction of shelter space in accordance with ARC 4496 shelter standards; payment in lieu of construction; and /or participation in the upgrading of existing shelter space. The plan shall be submitted to the DCA and the County for review and approval before approval of a Final Site Plan for habitable construction. DCA shall have 45 days to comment on this plan. **Completed and attached as Exhibit 13.**

L. EDUCATION

- L(1). The Developer* shall mitigate potential school impacts by making a payment of \$825,000.00 to the School Board, upon request (which represents a cost of \$35,000.00 per acre) with a three percent (3%) adjustment per year for five years. Request for payment shall be made no earlier than the date of the issuance of the first residential Certificate of Occupancy. Payment shall be made within 30 days of request.
(completed)
- L(2). The Developer* shall fund the cost of a sidewalk from the school board property line (adjacent to the student drop off area within Heritage Harbour) to Haile Middle School and a shelter adjacent to the drop off area, upon the request of the School Board.
(completed)

M. MARINA FACILITIES

- M(1). Live-aboards, defined as occupying a vessel for more than three consecutive days, shall not be allowed.

- M(2). Manatee protection measures outlined by the Bureau of Protected Species Management, including educational signage, channel markings, etc., shall be implemented.
- M(3). The marina shall implement the elements of the Florida Clean Marina Program to minimize the introduction of deleterious substances into the marina basin that would be detrimental to water quality. (Developer's commitment)
- M(4). A fuel spill response plan shall be prepared and approved by Manatee County prior to Final Site Plan approval for the marina or boat livery. Completed. Marina staff shall be trained in the implementation of the plan. Each annual report shall include a report on marina operation, including the number of wet and dry slips occupied; the number leased by residents; and any incidents of fuel spills.
- M(5). The slip lease agreement shall prohibit use of sudsing cleaners containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye.
- M(6). The provisions of the Pollution Discharge Act outlined in Section 376, Florida Statutes, and Chapter 62N, Florida Administrative Code, shall be strictly adhered to.
- M(7). Prior to Preliminary Site Plan approval for the 300 boat livery, a revised General Development Plan for this use shall be approved by the Board of County Commissioner, after a recommendation by the Planning Commission. The Board shall determine the appropriate scale, building design, and buffering for the proposed building.
- M(8). The accessory food service establishment associated with the marina shall be limited to a floor area of 6,000 square feet, including both inside and outside space.

N. AFFORDABLE HOUSING

- N.(1) An assessment of the potential affordable housing impacts of the Project was performed as part of this NOPC. The Developer* recognizes that the statutory rules require an assessment of "affordable housing", however the TBRPC and Manatee County recognize that the potential deficit is in the area of "essential worker" or "workforce" housing as such terms are defined by the TBRPC and the Manatee County Land Development Code, respectively. Harbourvest, LCC, per their agreement with the TBRPC, shall implement the following:
 - a. 245 units shall qualify upon the first sale to an end user as workforce housing as defined by Manatee County Land Development Code. The sales price for such units shall be determined to qualify as workforce housing after excluding upgrades and options from the price. The maximum sales price for the workforce housing units shall be based upon current workforce sales price as established by the methodology in the Manatee County Land Development Code and may be modified each year as determined by Manatee County.
 - b. The Developer* shall receive a 1:1 credit for all such qualifying units built within Phase I or II from January 1, 2004 to December 31, 2012 (project build out).
 - c. Should the Developer* not provide the required number of affordable units, mitigation in the form of \$2,000 per affordable unit not built shall be paid into the Affordable Housing Trust Fund prior to Final Site Plan approval for the 1,500th residential unit in Phase II or last residential subphase, whichever comes first.

Prior to the first Final Site Plan approval for residential development, the developer shall deposit into an escrow account, post a letter of credit or bond, in a form

acceptable to Manatee County, to secure the payment for the number of unbuilt units, in the amount of \$490,000. The escrowed funds shall be refunded to the developer or the bond or letter of credit released as each workforce unit is constructed.

- d. As a means to monitor the progress, the applicant shall provide an accounting of the number of units that have been provided to date in each Annual Report.

O. GENERAL CONDITIONS

O (1). Non-Residential

a. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Buildings visible from I-75 and State Road 64 shall have their primary facade orientation toward these roadways. The Developer may meet the intent of this condition by buffering and screening to be reviewed and approved by the Planning Department. Design shall be subject to the following criteria and reviewed for compliance by staff with future Final Site Plan submittals.

1. The sides of all buildings shall have minimal blank walls no longer than 40 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements shall include prominently visible architectural details [e.g. bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 100 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).
2. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, corrugated metal, or tilt up precast slabs shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
3. All rooftop mechanical equipment shall be screened from view from I-75, State Road 64, internal collector streets as shown on the GDP, and adjacent properties. Screening shall be provided by materials consistent with the building.

b. Service Areas

1. All truck loading, service areas, outside storage, and parking of heavy equipment, semi trucks or trailers, or other vehicles over 1-1/2 tons shall not be located between the building and I-75, State Road 64, or any internal collector street as shown on the GDP, or on any side of a building which is prominently visible to referenced roadways. This requirement may be modified by the Planning Department in cases where the developer meets the intent of the condition when adequate buffering and screening is provided.

2. Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.
- c. Parcel 20 Development Restrictions:
1. All buildings, loading and service areas shall maintain a minimum setback of 200 feet from Parcel 16. Buildings within 500 feet of Parcel 16 shall not exceed 25 feet in height. Buildings within 100 feet of I-75 or State Road 64 shall not exceed 25 feet in height, except for hotels, and office buildings, which shall comply with the minimum front yard setback specified on the GDP, plus 25 feet for each story over 2. This height restriction does not apply to architectural or design features used for building entrances and which are required to achieve compliance with Condition N(1).a.3 above.
 2. A fifty foot landscape buffer shall be located along the southwest side of the 66 acre lake adjacent to Parcel 20. Existing native trees within this buffer shall be preserved, unless removal is required to accommodate the reconfiguration of the lake. Additional canopy trees, meeting the requirements of 715.4.B, shall be required where existing trees do not provide continuous screening of the commercial site from Parcels 16 and 18. A wall or hedge, to be a minimum height of at least 6 feet above the finished floor elevation of the proposed building, shall be installed prior to issuance of the first Certificate of Occupancy for any commercial building, parking, loading or service area constructed within 300 feet of the lake.

Residential, hotels, offices and restaurant facilities, which are oriented to the lake and designed to enjoy lake views, shall be exempt from the requirement to maintain a 50 foot setback and install a wall or a hedge. Said facilities shall not comprise of more than 20 percent of the combined lake frontage within Commercial Parcels 19 and 20.
 3. Prior to the issuance of a Certificate of Occupancy for any building which individually or cumulatively exceeds 250,000 square feet for the parcel, or 100 residential units, the access street which goes to the north through Parcel 16 shall be constructed to Port Harbour Parkway. Port Harbour Parkway shall link to an internal collector road, as shown on the GDP, within the development. Port Harbour Parkway shall be constructed from the northern terminus of Kay Road to this access prior to the issuance of a Certificate of Occupancy for any building which individually or cumulatively exceeds 350,000 square feet for the parcel.
 4. If multi-family is located within Parcel 20, it shall be located so that traffic from commercial development on this parcel to State Road 64 is not required to pass the multi-family development. All multi-family buildings shall maintain a minimum setback of 75 feet from any commercial building or its associated loading or service area.
 5. The preservation of significant trees or tree clusters within the temperate hardwood area adjacent to State Road 64 shall be a condition of Preliminary and Final Site Plan approvals. Sufficient area and protection around the trees, as determined by a registered Landscape Architect, shall be provided to reasonably guarantee their survival. Removal shall be based on impacts resulting from unavoidable required grade changes.

d. Parcels 17 and 19 Development Restrictions

1. Buildings in Parcel 17 shall be limited to a maximum height of 3 stories. Commercial uses in Parcel 17 shall be limited to neighborhood commercial uses in a neo-traditional design.
2. Uses in Parcel 19 shall be limited to retail sales, neighborhood convenience, eating establishments (including drive through), banks, business service establishments, hotels, health services, dry cleaners, chapels, offices, clinics, personal service establishments, and multi-family. All multi-family buildings shall maintain a minimum setback of 75 feet from any commercial building or its associated loading or service area.

e. Parcels 19-27 Buffering

1. A 20 foot wide landscape buffer shall be provided along the frontage of all street shown on the GDP for Parcels 19-27, regardless of whether the site is located within the entranceway. The street frontage buffer for Parcel 20 along I-75 and State Road 64 shall be increased to 30 feet in width. Should a frontage road be provided along I-75 or SR 64, then the Developer* shall have the option of providing a 20 foot wide buffer on each side of the frontage road. Required canopy trees within the I-75 and SR 64 buffer shall be a minimum size of 12 feet in height and a 4 inch caliper at time of planting.
2. A 25 foot wide buffer with a 3 foot high berm shall be provided along the east side of Parcel 26. Prior to any Temporary or Certificate of Occupancy:
 - a 6 foot opaque fence or wall shall be installed on top of the berm east of all loading and service areas;
 - a hedge, to be at least 6 feet at maturity, shall be planted on the berm along the entire eastern boundary of the site and on the outside of the fence or wall; and
 - a row of 3 inch caliper canopy trees spaced 30 feet apart shall be planted along the entire eastern boundary.

O (2). Residential

- a. The maximum number of residential units per Parcel shall be limited to the numbers indicated in the Land Use Table on the General Development Plan. With each preliminary plan submitted, a Residential Sector Data Table shall be provided to include the number of units and unit type that have Final Site Plan approval in the Phase*

b. Residential development shall comply with the following dimensional standards:

TYPE	MINIMUM LOT SIZE (Sq. Ft.)	MINIMUM LOT WIDTH	FRONT SETBACK (ft.)	SIDE SETBACK (ft.)	REAR SETBACK (ft.)
SFD	6,500 SF ²	55 FT ²	20/15 ^{1,7}	7 ²	15
SFA	2,500/3,500 SF	25/35 FT	20/15 ^{1,7}	0/10 ⁶	15
SFSD	3,850 SF	35 ¹	20/15 ^{1,7}	0/7.5	15
Duplex ¹	7,800 SF	70 ¹	20/15 ^{1,7}	7.5	15
Multi-fam ⁴			25	10/15/40/50 ³	15

1. Front setback for units with side entry garages.
2. A maximum of 30% of the lots in each phase* may be reduced to a minimum lot area of 4,000 square feet, lot width of 40 feet, and side yard setback of 6 feet. These smaller lots shall be contained within a parcel or subphase of a parcel that is separated from other single-family detached unit parcels by a minimum separation width of 25 feet, exclusive of lot areas.
3. This distance is not a side yard setback, but the minimum distance between buildings. A 15' separation is required between one-story buildings, a 25' between two-story, 40' between 3-story, and 50' between 4-story buildings.
4. Single- and two-story multi-family buildings shall maintain a minimum setback of 50 feet from single-family residential development parcels. Multi-family buildings which are three or more stories shall maintain a minimum setback of 100 feet from single-family residential development parcels.
5. All duplexes and single-family residences shall be provided with a minimum of a one car garage for each dwelling unit.
6. Applied to end units.
7. The front yard setback in Parcel 35 shall be 25'. The front yard for residences with side loaded garages may be reduced to 20'.

- c. Residential development in each parcel shall maintain consistency in unit type and size, unless otherwise specified above in Condition N.(2) b, footnote 2 or in Stipulation N(2).h. i, and j below.
- d. Single-family detached, attached, semi-detached, duplex, and multi-family dwellings shall be as defined in the Land Development Code. No other uses shall be permitted within these land use categories identified on the General Development Plan, with the exception of permitted home occupation, family day care homes and family care homes. Duplex units may be permitted in single-family semi-detached or attached categories.
- e. All residential dwelling units, except multi-family units, shall contain a minimum floor area of 1,200 square feet.
- f. Multi-family building restrictions (Parcels 2A, 2B, 7B, and 10B, and 13)
 1. Parcel 13 shall be developed with single-family detached lots.

2. The multi-family building's massing characteristics and architectural features in Parcels 2A, 2B, 7B, and 10B shall maintain substantial conformance with the rendering submitted at the public hearing attached as Exhibit 11. To harmonize with their natural setting (as viewed from the river), the building's exterior colors shall utilize soft, warm, muted hues. Bold contrasting colors shall not be allowed. The architectural features, including color, shall be used in a manner to visually reduce the overall building mass.
 3. To avoid a repetitive pattern as viewed from the river, distinctly, varying colors shall be used for adjacent building facades and roofs.
 4. Parcels 2A, 2B, 7B, and 10B Tree Plantings
 - (a). At least 1 year prior to Final Site Plan approval and 2 years prior to submittal of any building permit for a multi-story building for Parcels 2A, 2B, 7B, and 10B, additional tree plantings between the Manatee River and referenced parcels (Exhibit 11) shall be completed and certified to the Planning Department by a landscape architect. Prior to planting, the Developer* shall remove all nuisance and exotic vegetation from this buffer. The Developer* shall submit tree planting plans for review and approval by the Planning Department prior to implementation and shall certify when complete. The plantings shall consist of a double row of trees consisting of at least 60 percent canopy trees and have a minimum caliper of 4 inches at planting. Tree species shall be based upon site conditions needed to sufficiently screen the future buildings. Trees for each row shall be staggered and spacing within each row shall maintain a maximum distance of 40 feet.
 - (b). Prior to Final Site Plan approval, a Florida Registered Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.
 - (c). Prior to the issuance of the first building permit and Certificate of Occupancy for a multi-family building in each parcel, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.
- g. Multi-family building restrictions (Parcels 23 and 24)
1. Multi-family buildings shall maintain a 75 foot setback from any commercial building or its associated loading or service area. This setback shall not be required if multi-family and commercial development are vertically mixed.
 2. Multi-family development shall provide a minimum buffer of 50 feet along State Road 64. Buildings within 75 feet of State Road 64 or any roadway shown on the GDP shall not exceed 3 stories.
- h. Multi-family buildings in Parcel 32 shall be limited to two stories and 210' and 165' in length, provided no more than 2 buildings in a row shall exceed 165' in length. The street frontage buffer shall be at least 25 feet wide and contain a 3 foot high berm (measured from the property line) with a 6 foot continuous hedge at

maturity. Trees within the buffer shall be spaced 40 feet on center and be at least 3 inch caliper at time of planting

i. The following conditions shall apply to all residential development in Parcels 15A, 15B, 16, and 20:

1. No residential development shall be allowed between the L10 70 dB(A) noise level contour and I-75, unless such residences are protected by some performance equivalent measure to achieve the L10 70 dB(A) exterior noise level. These restricted areas are identified within the Noise Study completed by the applicant and attached as Exhibit 9.
2. The buffer along I-75 in Parcels 15A, 15B, and 16, as shown on the General Development Plan, shall be maintained.

Native trees and vegetation within the mixed wetland hardwood and temperate hardwood areas located in Parcel 15A shall be preserved, unless removal is required to implement improvements to Cypress Creek or to remove trees in accordance with Sections 714.2.2.8 or 9 of the Land Development Code. Additional canopy trees shall be planted within the buffer area outside the flow way that is substantially void of trees.

A minimum of five acres of the Pine flatwoods in or adjacent to Parcels 1 or 15A shall be preserved and incorporated as open space.

- 3 All residential development in Parcel 16 adjacent to the Parcel 20 commercial access road to Port Harbour Parkway shall be designed as reverse frontage in accordance with the requirements of Section 907.7.4 of the Land Development Code.
4. Multi-family development on western portion of Parcel 16 may be permitted only if all of the following criteria is met:
 - (a) The multi-family parcel is separated from the single-family residential parcel in Parcel 16 by a road right-of-way of at least 50 feet in width. This right-of way-shall maintain a minimum setback of 20 feet from existing all single-family lots in Lighthouse Cove.
 - (b) A 20 foot wide buffer along the western boundary of the multi-family tract shall be provided and screened pursuant to Figure 715.C.
 - (c) The closest multi-family buildings shall maintain a minimum setback of 150 feet from a single-family lot in Lighthouse Cove.
 - (d) Multi-family buildings in Parcel 16 shall be limited to 2 stories in height.

j. Parcel 35

1. Lots along Upper Manatee River Road and along the southern boundary of Parcel 35, within 1,200 feet of Upper Manatee River Road, shall be limited to single-family detached residences. The landscape buffer along the southern boundary shall be 30 feet wide.

2. Construction traffic for Parcel 35 shall not utilize the existing Stoneybrook roads in Parcel 31. Signs to this effect shall be posted at both inter-neighborhood tie locations exiting Parcel 35 and all entrances into Parcel 31. The developer shall include these provisions in all construction contracts.
3. Prior to Final Site Plan approval, the applicant shall provide a noise mitigation plan to the staff for mitigation of noise from Port Harbour Parkway and Upper Manatee River Road. Such analysis shall demonstrate noise mitigation based on the projected 2025 traffic volumes. Staff approved noise mitigation measures shall be shown on the approved Final Site Plan and installed prior to the issuance of the first Final Plat in Parcel 35.

k. Parcel 1

The existing landscape buffer, exclusive of the nuisance exotic species, along the western property boundary shall be preserved.

Single-family attached units shall be limited to 1 story and maintain a setback of 300 feet from the western property boundary.

l. Inter-neighborhood ties/Access

1. Prior to Final Plat (or Final Site Plan if platting is not required) approval for Parcel 13 or 14, an inter-neighborhood pedestrian tie (by common easement or right-of-way), shall be provided from Parcel 13 or 14 to the property to the east to connect to the required Pedestrian tie in PDR-97-12(Z)(G) - Waterlefe.
2. Prior to the Final Plat (or Final Site Plan if platting is not required) approval for any portion of Parcel 31 located adjacent to the vacant parcel between Waterlefe and Greenfield Plantation subdivisions, an inter-neighborhood pedestrian (or roadway if streets are public in Parcel 31) tie shall be constructed (or bonded) to the east. This tie shall be shown on all future Preliminary and Final Site Plan approvals and noted in all homeowners documents and disclosure statements.
3. Prior to Final Plat (or Final Site Plan if platting is not required) approval for any portion of Parcel 31 south of the northern boundary of Haile Middle School, an inter-neighborhood pedestrian tie (by common easement or right-of-way) or street, shall be provided to the Haile Middle School site. If a street is not provided, then the developer shall facilitate a vehicular area adjacent to the school site to facilitate student drop-off and pick-up. The specific location and design shall be subject to approval by the School Board staff and the Planning Department. To facilitate the purpose of this condition, all streets within Parcel 31 shall be open to the public from 7:00 to 9:00 a.m. and from 2:00 to 5:30 p.m. while school is in session. This requirement shall be noted in all homeowner's documents and disclosure statements within the project. If a guard gate or sign is utilized which identifies the streets or Parcel 31 as being private, then there shall be accompanied verbiage, visible from the street, that the roads are open to the public during the above referenced school hours.
4. Inter-neighborhood ties between parcels internal to the project shall be determined at time of Preliminary Site Plan approval.

5. The required second means of access for each portion the project shall be provided pursuant to Section 712.2.8 of the Land Development Code. Access pursuant to Diagram A, Number 3 may be used provided that the number of units in the portion of the project in which this access serves does not exceed 600 dwelling units.
- m. Buffers
1. A 50 foot wide buffer shall be provided between Parcel 31 and SR 64. Enhanced landscaping, including trees, berms, and golf course shall be provided within the buffer.
 2. A 25 foot greenbelt shall be located between all residential development and the 330 foot wide FP&L easement. All building setbacks shall be measured from this greenbelt.
- n. Building types on the 55 foot wide lots shall be in substantial conformance with the elevations presented at this meeting, unless a superior design is approved by the Planning Department.
- o. The Homeowner's Documents for Stoneybrook Southeast (Parcels 31 and 32) shall include notices to inform homeowner's of that a portion of Parcel 32 will include two story multi-family residences in accordance with Condition N.(2)h.
- p. ACLF (Group Care) uses shall be permitted only in the parcels specifically identified in the Land Use Table of the General Development Plan.
- q. Multi-family buildings in Parcels 3, 4, 7A, 8, and 10A shall be limited to 3 stories and 35' in height.
- r. Multi-family on Parcels 2A and B, 7B, 10B, and 15A and B in excess of 35' in height shall have articulated roof lines, including elements such as windows, balconies, and other architectural features. Additionally, there shall be facade modulation, varied roof lines, and graduated stepback on higher stories. The building materials shall be compatible and complimentary with adjacent construction. Details for compliance with this stipulation shall be submitted with the request for Final Site Plan approval. To the extent meeting these requirements requires an alteration to the specific renderings stipulated as part of N(2)f(2) that change may be made with the Final Site Plan approval.

O. (3) Signage

- a. One freestanding pole sign, in compliance with Section 737.5.3.3 shall be allowed per frontage for Parcels 20, 25 and 27. Any additional signs that may be permitted along State 64, I-75, or along any other street frontage shall be limited to ground signs, in compliance with Section 737.5.3.3. Pole signs in Parcel 20 shall maintain a minimum separation of 2,000 feet.
- b. A project identification sign located at the project's westernmost entrance may contain a maximum sign area of 200 square feet. The sign shall maintain a minimum setback of 125 feet from State Road 64 and a minimum distance of 500 feet from the pole sign along State Road 64 in Parcel 20. The design of the sign and surrounding wetland and water features shall be consistent with plan and elevation in Exhibit 5.

O (4) Lighting

- a. All lighting shall comply with Section 709 of the Land Development Code.

O.(5) Notice to Buyers

The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective homeowners of the following:

- a. The Hurricane Evacuation Plan is approved by the Public Safety Department for this project. The applicant and their heirs, assigns, or transferees are hereby notified that a payment of an impact fee for emergency shelter facilities shall be required if such impact fee is adopted by the Board of County Commissioners.
- b. Port Harbour Parkway is planned as a 4-lane thoroughfare roadway and Upper Manatee River Road is planned as a 6-lane thoroughfare roadway and residents may experience increase noise impacts.
- c. Upper Manatee River Road is planned to bridge over the Manatee River.

DEFINITIONS.

Note: An asterisk (*) in the text of this Ordinance denotes that the word is defined

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application" and "Application for Development Approval" or "ADA" shall mean Heritage Sound's DRI ADA submitted on October 30, 1998 and sufficiency responses submitted on March 25, 1999 and May 19, 1999, and the response to the second sufficiency comments dated May 17, 1999 and submitted on May 19, 1999, and the NOPC submitted on March 4, 2002 and amended on October 4, 2002 and December 17, 2002, and the NOPC submitted on June 29, 2004, and amended on December 21, 2004, September 27, 2005, May 5, 2006, August 8, 2006, and November 27, 2006. attached as Exhibit 4.
- C. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.
- CC. "Community Support Facility" shall mean a master irrigation and communication facility and accessory uses designed to serve this project and adjacent areas as required by Manatee County.

- D. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- E. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- G. "Developer" shall mean Harbourvest, LLC., its heirs, assigns, designees, agents, and successors in interest as to the Heritage Harbour DRI.
- H. "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.
- I. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
 2. actual construction; or
 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
- J. "General Development Plan*" shall be defined as the site plan for PDMU-98-08 (Z)(G)(R-2), last revised March 2008, and attached as Exhibit 6. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development on Table 1.
- K. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).

- L. "Net New External p.m. Peak Hour Project Trips" shall mean the total trip generation using the ITE Trip Generation Manual, 6th Edition, less the internal capture and pass-by captured trips.
- M. "Owner" shall mean Harbourvest LLC., their heirs, assigns, designees, agents, and successors in interest.
- N. "Phase" shall mean the development totals listed in Table 1 above.
- O. "Preliminary Site Plan" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended), for a Phase or Sub-Phase.
- P. "Project" shall mean the land uses by area, square footage, density, and phase described in the ADA*, and as modified in Table 1, to be constructed on the real property described in Section 6 herein.
- Q. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the cumulative traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Manatee County adopted Level of Service. This area is generally depicted on Figure 21.1 (Exhibit 7) which was submitted with the ADA.
- R. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any existing structure.
- S. "Warranted" shall mean a determination by the County, or FDOT for state roads (unless the improvement is identified as a "local improvement", based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- T. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

Section 5. AMENDMENT OF THE OFFICIAL ZONING ATLAS FOR PARCEL 35 FROM A TO PDMU.

The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the Property described in Section 6 from the A (General Agricultural) zoning district to the PDMU (Planned Development Mixed Use) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

SECTION 3 6 . LEGAL DESCRIPTION.

General Development Plan

Development of Heritage Harbour shall be restricted to the 2784.7 acre tract of land described below:

All of Sections 13, 14, 23, 24, 25, 26, 35 and 36, Township 34 South, Range 18 East, Manatee County, Florida, lying north of State Road No. 64, as shown on State Road Department right-of-way map Section No. 1305-250 and also north of State Road No. 93 (Interstate 75) as shown on Department of Transportation right-of-way map for Section 13075-2403 and south of the mean high water line of the south bank of the Manatee River. Containing 2,397.5 acres more or less. Also: That portion of the following described tract of land lying southwest of State road No. 93 (Interstate 75) and east of the easterly limited access right-of-way line of Kay Road as shown on Department of Transportation right-of-way map for Section 13075-2404, Sheet 3 of 9: Begin at the NW corner of Section 26, Township 34 South, Range 18 East running East 2,681.25 feet, thence running South 3,769 feet, thence running West 2,681.25 feet, thence running North to the Point of Beginning, less the Southernmost 1640.5 feet thereof. Containing 10.6 acres, more or less.

Also: Unsurveyed portion of Section 12, Township 34 South, Range 18 East, lying South of Government Lots 3 and 4;

Unsurveyed portion of Section 13, Township 34 South, Range 18 East, less and except the following described lands:

Begin at the NW corner of Section 13, Township 34 South, Range 18 East; thence South to the water of the Manatee River; thence meander the waters of the Manatee River in an Easterly and Northeasterly direction to a point on the North line of said Section 13 which is on or near the extended East line of U.S. Government Lot 1 of Section 12, Township 34 South, Range 18 East; thence West along the North line of Section 13 to the Point of Beginning; Unsurveyed portion of Section 14, Township 34 South, Range 18 East, less and except the following described lands:

Begin at the NE corner of Section 14, Township 34 South, Range 18 East; thence South to the waters of Manatee River; thence meander the waters of the Manatee River in a Westerly and Northwesterly direction to a point on the North line of said Section 14, run thence East along the North line of said Section 14 to the Point of Beginning; Containing approximately 87.7 acres (computed by digitizing from aerial photographs the area above the approximate mean high water line).

(AS FURNISHED O.R. 1460/5079)

THE SOUTH 295 ACRES, MORE OR LESS, OF SECTION 19, TOWNSHIP 34 SOUTH, RANGE 19 EAST, PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST (SE) CORNER OF SAID SECTION 19 AND RUN NORTH 2583.4 FEET, MORE OR LESS, TO A POINT ONE FOOT NORTH OF A LINE OF TELEPHONE POSTS; RUN THENCE WEST 2° AND 02° NORTH, 2394.8 FEET TO A 2"x2" STAKE PLACED BY W. H. COGGESHALL; RUN THENCE WEST 3° AND 57 FEET SOUTH 2432.1 FEET MORE OR LESS TO THE WEST BOUNDARY OF SAID SECTION; RUN THENCE SOUTH ALONG SAID WEST BOUNDARY TO THE SOUTHWEST (SW) CORNER OF SAID SECTION; RUN THENCE EAST TO THE POINT OF BEGINNING; LESS AND EXCEPT: A CERTAIN PARCEL LOCATED IN THE SOUTHEASTERLY CORNER OF THE ABOVE DESCRIBED LANDS, WHICH PARTICULAR PARCEL IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS: BEGIN AT THE SE CORNER; THENCE NORTHERLY ALONG THE CENTER OF HIGHWAY 300 FEET; THENCE WEST 175 FEET; THENCE SOUTH 300 FEET; THENCE EAST 175 FEET TO THE POINT OF BEGINNING; LESS EAST 40 FEET FOR ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 226, PAGE 625, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN SECTION 19, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE NORTH, ALONG

THE EAST LINE OF SAID SECTION 19, 300.00 FEET; THENCE SOUTH 89°50'39" WEST, 40.00 FEET TO THE WEST RIGHT- OF-WAY LINE OF UPPER MANATEE RIVER ROAD, FOR A POINT OF BEGINNING; THENCE NORTH, ALONG SAID RIGHT-OF-WAY LINE, 2283.08 FEET; THENCE NORTH 88°16'00" WEST, 2354.78 FEET; THENCE SOUTH 89°53'00" WEST, 2401.54 FEET TO THE WEST LINE OF SAID SECTION 19; THENCE SOUTH 00°59'28" WEST, ALONG SAID WEST LINE, 2662.87 FEET TO THE SOUTH LINE OF SAID SECTION 19; THENCE NORTH 89°50'39" EAST, ALONG SAID SOUTH LINE, 4666.31 FEET; THENCE NORTH, 300.00 FEET; THENCE NORTH 89°50'39" EAST, 135.00 FEET TO THE POINT OF BEGINNING.

All lying and being location Manatee County, Florida.

The area of all of the above described land is approximately 2784.7 acres.

Rezone Parcel

(AS FURNISHED O.R. 1460/5079)

THE SOUTH 295 ACRES, MORE OR LESS, OF SECTION 19, TOWNSHIP 34 SOUTH, RANGE 19 EAST, PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST (SE) CORNER OF SAID SECTION 19 AND RUN NORTH 2583.4 FEET, MORE OR LESS, TO A POINT ONE FOOT NORTH OF A LINE OF TELEPHONE POSTS; RUN THENCE WEST 2° AND 02° NORTH, 2394.8 FEET TO A 2"x2" STAKE PLACED BY W. H. COGGESHALL; RUN THENCE WEST 3° AND 57 FEET SOUTH 2432.1 FEET MORE OR LESS TO THE WEST BOUNDARY OF SAID SECTION; RUN THENCE SOUTH ALONG SAID WEST BOUNDARY TO THE SOUTHWEST (SW) CORNER OF SAID SECTION; RUN THENCE EAST TO THE POINT OF BEGINNING; LESS AND EXCEPT: A CERTAIN PARCEL LOCATED IN THE SOUTHEASTERLY CORNER OF THE ABOVE DESCRIBED LANDS, WHICH PARTICULAR PARCEL IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS: BEGIN AT THE SE CORNER; THENCE NORTHERLY ALONG THE CENTER OF HIGHWAY 300 FEET; THENCE WEST 175 FEET; THENCE SOUTH 300 FEET; THENCE EAST 175 FEET TO THE POINT OF BEGINNING; LESS EAST 40 FEET FOR ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 226, PAGE 625, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN SECTION 19, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE NORTH, ALONG THE EAST LINE OF SAID SECTION 19, 300.00 FEET; THENCE SOUTH 89°50'39" WEST, 40.00 FEET TO THE WEST RIGHT- OF-WAY LINE OF UPPER MANATEE RIVER ROAD, FOR A POINT OF BEGINNING; THENCE NORTH, ALONG SAID RIGHT-OF-WAY LINE, 2283.08 FEET; THENCE NORTH 88°16'00" WEST, 2354.78 FEET; THENCE SOUTH 89°53'00" WEST, 2401.54 FEET TO THE WEST LINE OF SAID SECTION 19; THENCE SOUTH 00°59'28" WEST, ALONG SAID WEST LINE, 2662.87 FEET TO THE SOUTH LINE OF SAID SECTION 19; THENCE NORTH 89°50'39" EAST, ALONG SAID SOUTH LINE, 4666.31 FEET; THENCE NORTH, 300.00 FEET; THENCE NORTH 89°50'39" EAST, 135.00 FEET TO THE POINT OF BEGINNING.

The area of all of the above described land is approximately 288.7 acres.

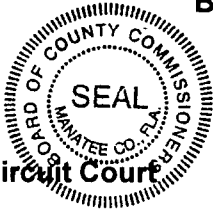
SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy of this Ordinance with the Department of State, provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend any additional development authorization granted by this Development Order.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 11th day of March, 2008.

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

By: 
Chairman



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

By: 
Deputy Clerk

EXHIBITS 1, 4, 5, 7, 8, 9, 10, 13, and 12

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT
TO THE PREVIOUSLY APPROVED PDMU-98-08(Z)(G), APPROVED ON MARCH 21, 2000.

Table 13.4 (Revised October 2006)
Summary of Wetland Impacts Proposed
Within Heritage Harbour inclusive of Moore's Dairy

Wetland I.D.	Wetland Type at Impact Locations	Impact Type	Ecological Quality of Impacted Area	Acres of Impact
Impacts associated with Heritage Harbour (original project area)				
BB	Forested	Road	Medium/High	0.20
BB	Herbaceous	Drainage Improvements	Medium/High	1.06
CCC	Herbaceous	Stormwater	Medium/Low	0.25
DD	Herbaceous	Golf	Low	0.62
E	Forested	Road	Medium/Low	0.04
F1	Herbaceous	Commercial	Medium	0.76
F2	Herbaceous	Commercial	Medium	2.98
FF	Herbaceous	Commercial	Medium/Low	0.94
G	Herbaceous	Commercial	Medium/Low	2.89
G2	Herbaceous	Commercial	Medium/Low	0.23
GG	Herbaceous	Road/ Commercial	Medium	1.19
H	Forested	Road	Low	0.11
I1	Forested	Golf	Low	0.49
I2	Herbaceous	Golf	Low	0.17
I3	Forested	Golf	Low	0.30
II	Shrub	Drainage Improvements	Low	0.01
J	Forested	Golf	Low	<0.001
J	Forested	Road	Low	0.07
K	Forested	Road	Medium/High	0.17
K	Forested	Golf	Medium/High	<0.001
NN	Herbaceous	Residential/ Stormwater	Medium/Low	0.40
PP	Herbaceous	Road	Low	0.10
Q	Forested	Road/ Commercial	High	5.02
Q2	Forested	Road	Medium/High	0.71
R	Herbaceous	Road	Medium	1.47
S	Herbaceous	Road	Medium/High	1.05
S	Forested	Road	High	3.43
V1	Forested/ Shrub	Road	Medium/Low	0.01
WH	Forested	Road	Medium	0.49
WH	Forested/ Herbaceous	Golf	Medium/Low	0.23 ¹
X	Forested	Golf	Medium	0.11 ¹
ZZZ	Rim ditch	Road	Low	0.01

**Table 13.4 (Revised October 2006) (Con't.)
Summary of Wetland Impacts Proposed
Within Heritage Harbour inclusive of Moore's Dairy**

Wetland I.D.	Wetland Type at Impact Locations	Impact Type	Ecological Quality of Impacted Area	Acres of Impact
Impacts associated with Heritage Harbour (original project area)				
River Marsh	Herbaceous	Road	High	0.13
River Marsh	Forest/Herb	Golf	Medium	0.16 ¹
River Marsh	Herbaceous	Marina	High	1.50
Heritage Harbour Wetland Impact Acreage Subtotal =>				27.3²
Wetland Impact Credit Available pursuant to the DO*=>				2.04*
Moore's Dairy				
A	Herbaceous	Residential	Very Low	0.29
B	Herbaceous	Residential	Very Low	0.60
C	Herbaceous	Residential	Very Low	0.96
D	Herbaceous	Residential	Very Low	0.66
F	Herbaceous	Residential	Low	0.74
G	Herbaceous	Residential	Very Low	0.86
H	Herbaceous	Residential	Low	0.03
Moore's Dairy Wetland Impact Acreage Subtotal =>				4.14
TOTAL WETLAND IMPACT ACREAGE =>				33.48

¹Temporary impacts only associated with selective clearing for golf flight paths. A total of 1.22 acres of selective clearing was identified pursuant to PDMU-98-08/FSP-04-100; 0.5 acres of which resulted in temporary wetland impacts.

²Of the 27.3 acres of wetland impacts, 0.5 acres are temporary impacts associated with selective clearing. Therefore, permanent impacts are limited to 26.8 acres.

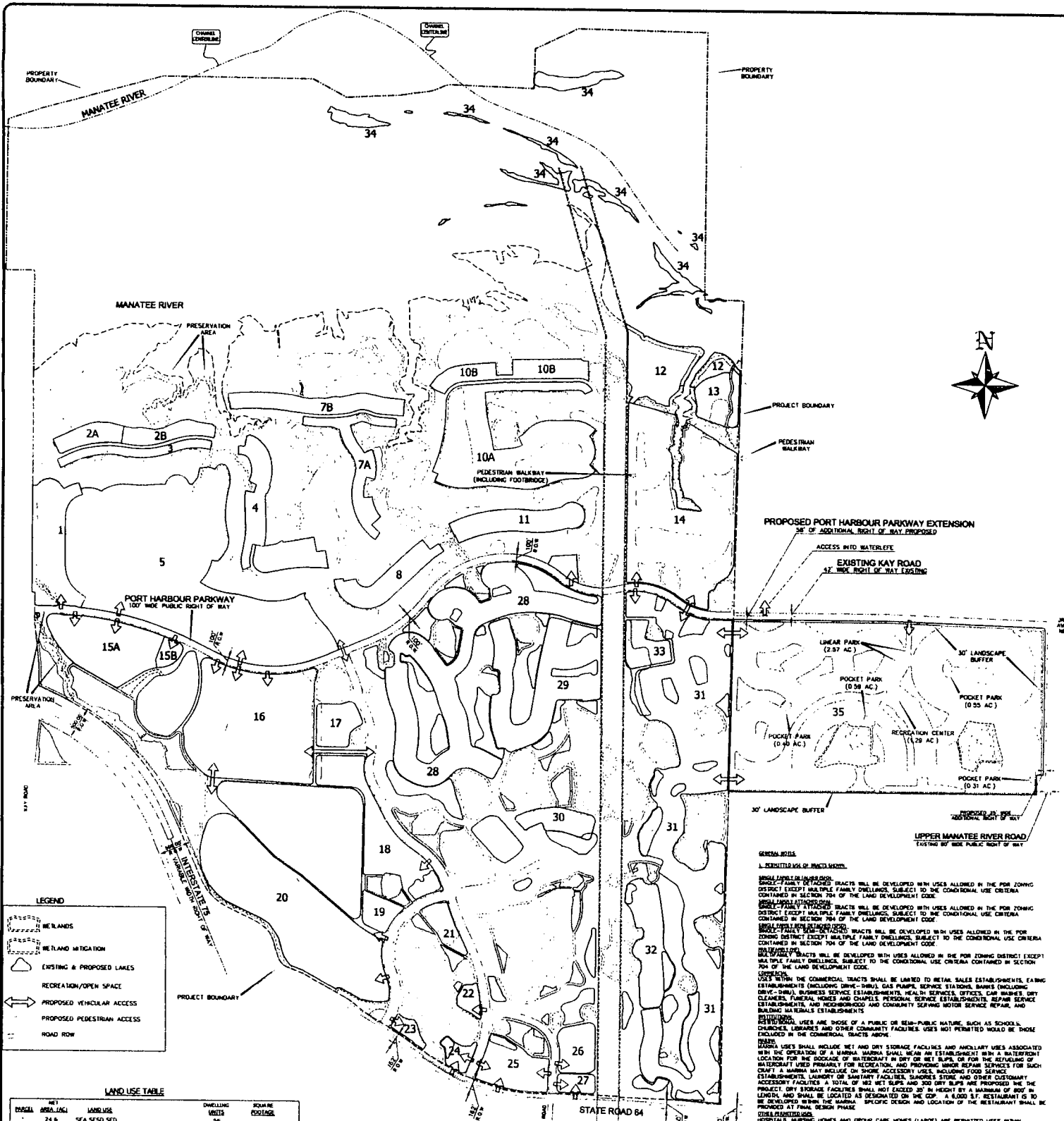
*Miscellaneous impact reserved for future site plan revisions; administrative authorization may be granted based on Manatee County Final Site Plan standards.

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Table 12-2
Summary of All Preserved Plant Communities
Within Heritage Harbour inclusive of the Moore's Dairy Parcel

FLUCFCS Code	Community Type	Existing Acreage*	Post Development Acreage*	% Total of Community Retained*
Heritage Harbour (original project area)				
194	Other Open Land	13.7	7.4	54
210	Cropland & Pastureland	1787.7	0.0	0
212	Unimproved Pasture	18.9	0.0	0
261	Fallow Cropland	9.6	0.0	0
411	Pine Flatwoods	22.9	13.1	57.2
414	Pine-Mesic Oak	13.2	6.0	45.5
422	Brazilian Pepper	35.0	0.0	0
425	Temperate Hardwoods	35.3	29.5	83.6
428	Cabbage Palm	11.8	11.8	100
510	Streams & Waterways	3.7	3.7	100
523	Lakes, 10-100 acres	84.7	101.2	119.5
524	Lakes, < 10 acres	1.2	274.4	22866.7
612	Mangrove Swamps	15.7	15.7	100
616	Inland Ponds and Sloughs	1.1	1.06	96.4
617	Mixed Wetland Hardwoods	45.8	42.59	93
618	Shrub Wetlands	2.5	2.5	100
619	Laurel Oak	5.6	5.43	97
621	Cypress	60.6	75.7	124.8
630	Wetland Forested Mixed	101.0	107	105.9
635	Primrose Willow	22.4	13.12	58.6
636	Brazilian Pepper Wetland	19.2	19.08	99.4
641	Freshwater Marsh	28.2	36.04	127.8
642	Saltwater Marsh	143.0	143.7	100.5
643	Wet Prairie	13	12.06	92.8
Heritage Harbour Subtotal Acreage=>		2495.8		
Moore's Dairy Parcel				
110	Residential, Low density	0.7	0.0	0
210	Cropland & Pastureland	245.9	0.0	0
252	Dairy	10.6	0.0	0
515	Ditches	20.4	0.0	0
524	Lakes, <10 acres	4.7	61.6	1310.6
641	Freshwater Marsh	6.6	13.2	200
411	Pine Flatwoods	0.00	3.4	340
Moore's Dairy Subtotal Acreage=>		288.9		
GRAND TOTAL ACREAGE=>		2,784.7		

* The post-development acreages and percentages of plant communities were determined through a habitat mapping exercise in which the refined conceptual site plan was overlaid on the pre-development FLUCFCS exhibit. The aeriels are not ortho-rectified, therefore the acreages and percentages listed are approximate. The post-development wetland acreages were also evaluated to reflect the wetland impacts listed in Table 13-4, *Summary of Wetland Impacts Proposed in Heritage Harbour inclusive of Moore's Dairy*.



LEGEND

- WETLANDS
- WETLAND MITIGATION
- EXISTING & PROPOSED LAKES
- RECREATION/OPEN SPACE
- PROPOSED VEHICULAR ACCESS
- PROPOSED PEDESTRIAN ACCESS
- ROAD ROW

LAND USE TABLE

PARCEL	NET AREA (AC)	LAND USE	DWELLING UNITS	SQUARE FOOTAGE
1	24.6	SFA,SF50,SFD	56	
2A	6.8	SFA,SF50,SFD,MF	120	
2B	7.5	SFA,SF50,SFD,MF	150	
3	7.1	SFA,SF50,SFD,MF	84	
4	12.7	SFA,SF50,SFD,MF	206	
5	149.8	SFA,SF50,SFD,MF	839	
7A	13.9	SFA,SF50,SFD,MF	300	
7B	15.2	SFA,SF50,SFD,MF	300	
8	13.4	SFA,SF50,SFD,MF	40	
10A	58.4	SFA,SF50,SFD,MF	170	
10B	13.7	SFA,SF50,SFD,MF	243	
11	15.5	SFA,SF50,SFD	430	
12	23.3	MARINA/RETAIL	482 SLIPS/6,000 SF	
13	11.7	SFA,SF50,SFD,MF	11	
14	90.8	SFD	180	
15A	26.2	SFA,SF50,SFD,MF	392	
15B	3.0	SFA,SF50,SFD,MF	72	
16	66.0	SFA,SF50,SFD,MF	500	
17	8.5	OFFICE/RESIDENTIAL/ADULT/COMMERCIAL	(800 BEDS) 72,750 SF	
18	37.0	PARK/COMMUNITY IDENTIFICATION FEATURE		
(1)119	6.3	COMMERCIAL/MF/OFFICE	80,000 SF	
(1)120	66.4	COMMERCIAL/MF/NOTEL	510,000 SF/300 ROOMS	
21	7.5	OPEN SPACE/LAKE/COMMUNITY SUPPORT FACILITY		
22	2.0	PROFESSIONAL/OFFICE/INSTITUTIONAL	28,000 SF	
23	4.0	COMMERCIAL/OFFICE	15,000 SF	
24	4.9	COMMERCIAL/OFFICE/RESIDENTIAL	25,000 SF	
25	20.0	COMMERCIAL/OFFICE	185,000 SF	
(2)26	13.9	COMMERCIAL/OFFICE/INSTITUTIONAL	75,250 SF	
(2)27	4.5	COMMERCIAL/OFFICE/INSTITUTIONAL	40,000 SF	
28	91.0	COMMERCIAL/OFFICE	229	
29	37.0	SFA,SF50,SFD	183	
30	12.6	SFA,SF50,SFD	19	
31	127.7	SFD	303	
32	15.5	SFA,SF50,SFD,MF	156	
33	4.7	PARK		
34	18.6	PASSIVE RECREATION		
35	281.9	SFD, SFA, SF50	735	
		GOLF		45 HOLES
TOTAL			5,000	967,000 SF

LAND USE SCHEDULE PROJECT WIDE

USE	NET AREA (AC)	S.F.	UNITS/RESIDENCES
RESIDENTIAL (TOTAL)			
SF DETACHED			1,200 UNITS
SF ATTACHED			1,200 UNITS
MULTI-FAMILY			1,200 UNITS
COMMERCIAL	146.9	750,000	
OFFICE		176,000	
HOTEL			200 ROOMS
ADULT			500 BEDS
MARINA			482 SLIPS
RECREATION/OPEN SPACE	648.0		45 HOLES
GOLF COURSE	18.2		
INSTITUTIONAL	246.8		
R.O. BY LAWS	488.2		
WETLANDS	328.4		
TOTALS	2,486.8	867,000	3,600 UNITS 200 ROOMS 480 BEDS

NOTES:

(1) THE TOTAL NUMBER OF MULTI-FAMILY UNITS MAY BE INCREASED IN CONFORMANCE WITH AN EQUIVALENT DECREASE IN THE NUMBER OF SINGLE FAMILY ATTACHED OR SINGLE FAMILY DETACHED UNITS, OR COMBINATION THEREOF, THAT SHALL NOT AUTHORIZE AN OVERALL INCREASE IN THE TOTAL NUMBER OF RESIDENTIAL UNITS.

(2) INCLUDES SERVICE USES

PDMU-98-08(Z)(G)(R2)
 20060123 March 8, 2006
 Heritage Harbour Rezone (Norm)

2. PROPOSED MINIMUM SETBACKS AND HEIGHTS

USE	HEIGHT (FT)	LOT WIDTH (FT)	FRONT SETBACK (FT)	REAR SETBACK (FT)	SIDE SETBACK (FT)	MINIMUM LOT SIZE (SQ FT)
SINGLE-FAMILY DETACHED	35'	30'	20/15'	0/0'	15'	6,500
SINGLE-FAMILY ATTACHED	35'	25/20'	20/15'	0/0'	15'	3,500/3,000
SINGLE-FAMILY SEMI-DETACHED	35'	35'	20/15'	7.5'	15'	3,800
2-UNIT - 1 UNIT	35'	30'	20/15'	7.5'	15'	3,800
2-UNIT - 2 UNITS (DUPLIC)	30'	30'	20/15'	7.5'	15'	3,800
MULTIFAMILY (CONDOMINIUMS)	4 STORES	-	25'	10'	15'	8,000
RETAIL	35'	-	40'	30'	20'	7,300
OFFICE/HOTEL/GROUP CARE HOME (SUNSHINE)	4 STORES	-	40'	30'	20'	7,300
SCHOOL, PARK, RECREATION CENTER	25'	-	25'	30'	20'	

1. MULTIFAMILY DETACHED:
 MULTIFAMILY DETACHED UNITS SHALL BE SEPARATED BY A MINIMUM DISTANCE OF:
 1-1 STORY UNITS - 15'
 2-3 STORY UNITS - 20'
 4-6 STORY UNITS - 30'

3. MULTIFAMILY DETACHED:
 MULTIFAMILY DETACHED UNITS IN PARCEL 13 SHALL BE RESTRICTED TO 4 UNITS PER BUILDING AND A MAXIMUM HEIGHT OF 2 STORES. SEPARATION BETWEEN BUILDINGS SHALL BE 25 FEET FOR THE FIRST FLOOR AND 40 FEET FOR THE SECOND FLOOR. EXCEPTED MAY INCLUDE ROOM PROJECTIONS AND BAY WINDOWS NOT EXCEEDING 4 FEET IN 6 FEET.

4. BUFFERING AND SCREENING:
 BUFFERING AND SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 715 AND 737 OF THE LAND DEVELOPMENT CODE. ALL LANDSCAPED BUFFERS WILL BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM AND MAINTAINED BY U.S. HOME CORPORATION, THE COMMUNITY DEVELOPMENT DISTRICT, OR THE APPROPRIATE HOMEOWNER ASSOCIATION.

5. FLOODING:
 LOCATION OF ALL INTERNAL ROADWAYS AND THE LOCATION OF ALL PROJECT ACCESS POINTS ARE APPROXIMATE. EXACT ALIGNMENTS ARE SUBJECT TO CHANGE PURSUANT TO THE LOCATION OF ALL INTERNAL ROADWAYS AND THE LOCATION OF ALL PROJECT ACCESS POINTS ARE APPROXIMATE. EXACT ALIGNMENTS ARE SUBJECT TO CHANGE PURSUANT TO THE LOCATION OF ALL INTERNAL ROADWAYS AND THE LOCATION OF ALL PROJECT ACCESS POINTS ARE APPROXIMATE. EXACT ALIGNMENTS ARE SUBJECT TO CHANGE PURSUANT TO THE LOCATION OF ALL INTERNAL ROADWAYS AND THE LOCATION OF ALL PROJECT ACCESS POINTS ARE APPROXIMATE.

6. LAND DEVELOPMENT CODE:
 ALL LAND DEVELOPMENT CODES SHALL BE APPLIED TO THE PROJECT AS SHOWN ON THE PLAN UNLESS OTHERWISE SPECIFIED.

7. UTILITIES:
 UTILITIES AND OTHER USES HAVE NOT BEEN SURVEYED AND ACRESSES SHOWN ARE APPROXIMATE. PARCELS ARE SUBJECT TO FUTURE SUBDIVISION IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE.

8. ADJACENT LOCATIONS:
 ADJACENT LOCATIONS ARE CONCEPTUAL ONLY AND SUBJECT TO FINAL DESIGN.

9. DEVELOPMENT WITHIN THE ONE HUNDRED (100) YEAR FLOODPLAIN:
 DEVELOPMENT WITHIN THE ONE HUNDRED (100) YEAR FLOODPLAIN SHALL BE IN ACCORDANCE WITH THE COUNTY'S FLOODPLAIN MANAGEMENT PLAN PROCEDURES.

PREPARED FOR: HARBORVEST, L.L.C. 551 NORTH CATTLEBUSH ROAD, SUITE 202 SARASOTA, FLORIDA 34232 PH (941) 377-1222 FAX (941) 377-9984	Banka Engineering Professional Engineers, Planners, & Land Surveyors SARASOTA • FORT MYERS • NAPLES • PORT CHARLOTTE 1144 SAFFOLD ROAD, SUITE 118 SARASOTA, FLORIDA 34231 PHONE (941) 380-1616 FAX (941) 380-8918 ENGINEERING LICENSE CE-0005849 SURVEY LICENSE LR-0008880	HERITAGE HARBOUR GENERAL DEVELOPMENT PLAN - REVISED MAR. 2008 MANATEE COUNTY, FLORIDA																			
		FL. CLERT. NO.	<table border="1"> <tr> <th>DATE</th> <th>PROJECT</th> <th>DRAWING</th> <th>DESIGN</th> <th>DRAWN</th> <th>CHECKED</th> <th>SCALE</th> <th>SHEET</th> <th>OF</th> <th>FILE NO. (S-T-R)</th> </tr> <tr> <td>03/04/08</td> <td>6040-001</td> <td>_DDP</td> <td></td> <td>IS</td> <td></td> <td>NTS</td> <td>1</td> <td>1</td> <td>DEC 10, 2003 - 28, 25, 28 TWP. 28S, R. 12E</td> </tr> </table>	DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)	03/04/08	6040-001	_DDP		IS		NTS	1
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)												
03/04/08	6040-001	_DDP		IS		NTS	1	1	DEC 10, 2003 - 28, 25, 28 TWP. 28S, R. 12E												

Exhibit "6"

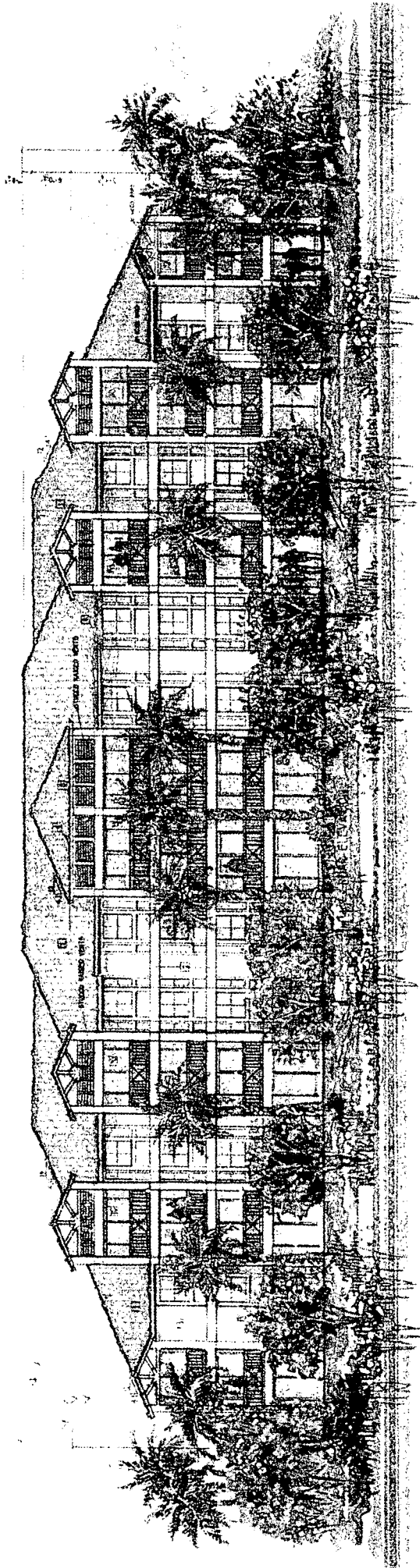


Exhibit 11



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 21st day of March, 2008.
R.B. SHORE
Clerk of Circuit Court
By: Doree E. Vollmer, P.C.

FILED FOR RECORD
R. B. SHORE

2008 APR -4 AM 8: 51



CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

March 27, 2007

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

Attn: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 20, 2008 and certified copies of Manatee County Ordinance Nos. PDMU-98-08(Z) (G) (R2) and 08-33, which were filed in this office on March 25, 2008.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosures

DIRECTOR'S OFFICE

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

COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
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STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282