

MANATEE COUNTY ZONING ORDINANCE
PDMU-98-08(Z)(G)
HERITAGE SOUND

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING THE REZONING OF CERTAIN LAND FROM A (GENERAL AGRICULTURE, 1 DU/5 ACRES) AND A-1 (SUBURBAN AGRICULTURE, 1 DU/ACRE) TO PDMU (PLANNED DEVELOPMENT MIXED USE), RETAINING THE CH (COASTAL HIGH HAZARD) OVERLAY DISTRICT; APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A MIXED-USE DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, 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 Board of County Commissioners has received and considered the report of the Manatee County Planning Commission, concerning the application for Official Zoning Atlas Amendment as it relates to real property described in Section 4 of this Ordinance, from A (GENERAL AGRICULTURE, 1 DU/5 ACRES) AND A-1 (SUBURBAN AGRICULTURE, 1 DU/ACRE) TO PDMU (PLANNED DEVELOPMENT MIXED USE), RETAINING THE CH (COASTAL HIGH HAZARD) OVERLAY DISTRICT; APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A MULTI-USE DEVELOPMENT.

B. The Board of County Commissioners held public hearings on October 5, 1999, November 16, 1999, December 14, 1999, January 27, 2000, and March 21, 2000 regarding the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.

C. The proposed revised Zoning Ordinance regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), as amended.

Section 2. The General Development Plan, dated January 20, 2000, entitled Heritage Sound, is hereby APPROVED to allow a Multi-Use development, with the following conditions:

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

2000 APR 7 3 20 PM
DEPARTMENT OF COUNTY CLERK
TALLAHASSEE, FLORIDA

FILED

A. DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

- A(1). This Development Order approval shall constitute approval of the rezone and 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). For Phase I, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, potable water, waste water service, solid waste service, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase I shall be valid until December 31, 2004.

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 2000-2004	PHASE II 2004-2009	TOTAL
Commercial			
Retail	375,000 s.f.	422,000 s.f.	797,000 s.f.
Office Hotel	85,000 s.f. 150 rooms	85,000 s.f. 150 rooms	170,000 s.f. 300 rooms
ACLF	300 beds	300 beds	600 beds
Residential			
Single-family detached	1,290 units	980 units	2,270 units
Single-family attached or semi-detached	660 units	480 units	1,140 units
Multi-family	600 units	990 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
Golf Course	18 holes	27 holes	45 holes
Park	40.2 acres		40.2 acres

Institutional	7.5 acres	2.8 acres	10.3 acres
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B. TRANSPORTATION CONDITIONS

B(1). The following roadway and intersection improvements shall be required as part of Phase I. 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 subphase net new external p.m. peak hour project trip* transportation improvement thresholds unless Funding Commitments* from Responsible Entities* have been obtained to ensure that the improvements required are in place Concurrent* with such subphase.

**TABLE 2
Required Improvements**

Intersection	Required Improvement	Impact Fee Creditable	When Required
a. I-75 West-ramps/SR-64	Signalize when warranted	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.	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	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 300 feet) (Local Improvement). (4) Signalize when warranted (5) Southbound right-turn lane (local improvement)	Note 2 Yes Note 2 No Note 2	Notes 2&4

e. Project's West access/SR-64	(1) Dual Eastbound left-turn lanes (2) Westbound right-turn lane (3) Exclusive Southbound right-turn lane (4) Exclusive Southbound left-turn lane (5) Signalize when warranted (6) Westbound left-turn lane	No No No No No Yes	Notes 1&4
f. Project's Middle access/SR-64	(1) Directional Eastbound left-turn lanes (2) Westbound right-turn lane (3) Exclusive Southbound right-turn lane	No No No	Notes 1&4
g. SR/64/Lakewood Ranch Blvd/Upper Manatee River Rd.	(1) Northbound left-turn lane (2) Southbound right-turn lane (local improvement)	Yes	Notes 3&4
h. SR70/I-75 ramps	(1) Signalize when warranted(local improvement)	No	
Roadway	Requirement Improvement	Impact Fee Creditable	When Required
a. SR-64 from I-75 to Lena Rd	Widen to 4-lanes	Yes	Notes 1&4
b. SR-64 Frontage/Access Rd	Construct 2-lane, two-way, south side public frontage road from West Access to Timberlane RV Park driveway.(Local Improvement)(R/W creditable ¹)(Construction Non-creditable)	Yes-r/w No-Const.	Notes 1&4
c. SR 64 from Kay Rd to Lena Road	Develop and implement a time based coordinated signal system (local improvement)	No	Concurrent with signal installation

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 the Development Order becomes non-appealable. 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. Right-of-way, design and required permits shall be provided by the County*. 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

¹ Includes all costs associated with right-of-way acquisition, i.e. property value, survey and legal description, legal fees, environmental assessments, etc.

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*. 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.

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 Phase I of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase I. 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. The Developer or its assignees shall be entitled to receive full transportation impact fee credit for the dedication as defined in Table 2. 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 120 feet of right-of-way and construct the Kay Road Extension as a two-lane thoroughfare roadway, including appropriate intersection improvements and associated retention, from its I-75 terminus to the eastern boundary of the project. This right-of-way width may be reduced to 84 feet if the developer can demonstrate sufficient width is available to accommodate the future 4-laning, including bicycle lanes and sidewalks on both sides of the Kay Road Extension. The Developer shall be entitled to receive transportation impact fee credits as defined in Table 2.

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 4.1.2.3 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.
- 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 EMD, 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 Director of the Environmental Management 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 that listed in Table 13S-4 of the Sufficiency Response dated March 1999 and revised on 12/02/99, attached as Exhibit 2. However, at time of Preliminary Site Plan approval, all proposed wetland impacts shall demonstrate compliance with minimization and avoidance, pursuant to the Comprehensive Plan, prior to authorization of any wetland impacts.
- i. The native upland plant community quantities committed to be preserved on Table 12S-2 of the second sufficiency response dated March 1999 and revised on 02/01/00 (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 on Table 12S-2 of the second sufficiency response dated March 1999 and revised on 02/01/00 (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 are shown on Exhibit 12.

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. 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 14S.1 in the Heritage Sound DRI Application for Development Approval Sufficiency Response dated March 1999 (Exhibit 10), 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.
 - 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.

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 Sound, 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 wetslips. 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 homeowners 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 and/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 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 County has determined that there exists adequate wastewater capacity to accommodate the impacts of Phase I of the Development*. The Certificate of Level of Service shall be valid until December 31, 2004. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II. Such Phase II determinations shall be made in accordance with the Manatee County concurrency requirements in effect at the time Phase II commences.

F. WATER SUPPLY

- F(1). The County has determined that there exists adequate potable water capacity to accommodate the impacts of Phase I of the Development*. The Certificate of Level of Service shall be valid until December 31, 2004. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II. Such Phase II determinations shall be made in accordance with the Manatee County concurrency requirements in effect at the time Phase II commences.

- 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 Sound 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 Phase I of the Development*. The Certificate of Level of Service shall be valid until December 31, 2004. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phase II. Such Phase II determinations shall be made in accordance with the Manatee County concurrency requirements in effect at the time Phase II commences.
- 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 36.0 acre community park open to the public, a 4.2 acre private neighborhood park, a 12.0 acre marina, and 250.0 acres of golf.
- 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 Kay Road Extension and the first residential subphase north of the Kay Road Extension a comprehensive pedestrian/bicycle plan for each side of the Kay Road Extension shall be submitted and approved by Manatee County.
- 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.
- I(5). Prior to the Final Plat (or Final Site Plan if platting is not required) approval of the 1000th unit north of Kay Road, 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 each Phase*. 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.

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. The Development Order shall be amended to include the master plan for evacuation and recovery at time of submittal and approval of the next NOPC following the approval of said plan.
- 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. The development order shall be amended to include the Master Plan for emergency public shelter space at the time of submittal and approval of the next NOPC following approval of said Plan.

L. EDUCATION

- L(1). The Developer* shall mitigate potential school impacts through one of the options provided below. The choice of option shall be at the discretion of the Manatee County School Board.
 - (a) The Developer* shall finance the construction of an elementary school located on property north of, and adjacent to, Haile Middle School. The School Board shall be responsible for the actual construction and shall reimburse the Developer* on mutually acceptable terms. The School Board shall notify the Developer* within four years of the approval of this DRI whether to have the Developer* finance the construction of the school.
 - (b) The Developer shall make of payment \$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.
- L(2) Should the School Board select L(1).b above, the Developer* shall commit to a monitoring program, to be established by the School Board, and shall continue until buildout of the residential portion of the Project*. The monitoring program shall require that annual payments in the amounts specified below be made to the School Board if any of the following number of students is exceeded.

Number of students anticipated as a result of Heritage Sound	Number of students which cannot be exceeded without additional funding	Funding per additional student
1,774	1,228	\$673

- L(3) The Developer* shall fund the cost of a sidewalk from the school board property line (adjacent to the student drop off area within Heritage Sound) to Haile Middle School and a shelter adjacent to the drop off area, upon the request of the School Board.

- L.(4) The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners. However, any amounts paid by the Developer pursuant to this Development Order prior to said impact fee shall be creditable against future school impact fees.

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. 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. GENERAL CONDITIONS

- N(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 the Kay Road extension. The Kay Road extension shall link to an internal collector road, as shown on the GDP, within the development. The Kay Road extension 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.
2. Uses in Parcel 19 shall be limited to retail sales, neighborhood convenience, eating establishments (including drive through), banks, business service establishments, 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

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.

N(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	5,500 SF ²	55 FT ²	20/15 ¹	7 ²	15
SFA	2,500/3,500 SF	25/35 FT	20/15 ¹	0/10 ⁶	15
SFSD	3,850 SF	35 ¹	20/15 ¹	0/7.5	15
Duplex ⁵	7,800 SF	70 ¹	20/15 ¹	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.
- 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.
- 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 2, 6, 9, and 13)
1. Multi-family development in Parcel 13 shall be restricted to 4 units per building and a maximum height of 2 stories. Separation between buildings shall be 25 feet for the first floors and 40 feet for the second floors. Exceptions may include room projections and bay windows not exceeding a depth of 5 feet. The exterior design of the buildings facing the river shall promote a single-family appearance.
 2. The multi-family building's massing characteristics and architectural features in Parcels 2, 6, and 9 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. Within two years of approval of this Zoning Ordinance and after the nuisance and exotic vegetation has been removed from the areas to be planted, the Developer* shall provide additional native tree plantings within portions of the 50 foot wide Manatee River wetland buffer north of Parcels 2, 6, and 9, more specifically as shown on Exhibit 11. 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 3 inches at planting. Trees for each row shall be staggered and spacing within each row shall maintain a maximum distance of 40 feet.

Prior to Preliminary Site Plan approval for any multi-family buildings in these parcels, a Florida Registered Landscape Architect shall inspect the trees and certify that the trees have sustained normal growth patterns. Trees which have not survived shall be replaced prior to Preliminary Site Plan approval and re-verified for growth patterns at time of Certificate of Occupancy.

- g. Multi-family building restrictions (Parcels 23, 24, 25, and 27)
 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. The following conditions shall apply to all residential development in Parcels 15, 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 15 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 15 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 15 shall be preserved and incorporated as open space.

- 3 All residential development in Parcel 16 adjacent to the Parcel 20 commercial access road to Kay Road shall be designed as reverse frontage in accordance with the requirements of Section 907.7.4 of the Land Development Code.

i. 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 homeowners 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 verbage, 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 that portion of the project in which this access serves does not exceed 600 dwelling units.
- j. 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.
- k. 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.

N.(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.

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 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.
- 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 U.S. Home Corporation, its heirs, assigns, designees, agents, and successors in interest as to the Heritage Sound 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), last revised on January 20, 2000, 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 U.S. Home Corporation, its 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* to be constructed on the real property described in Section 4 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 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 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS

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 identified in Section 4 herein from A (General Agriculture) and A-1 (Suburban Agriculture) to PDMU (Planned Development Mixed-Use), retaining the CH (Coastal High Hazard) overlay 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 4. LEGAL DESCRIPTION.

Development of Heritage Sound shall be restricted to the 2,495.8 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).

All lying and being location Manatee County, Florida.

The area of all of the above described land is approximately 2,495.8 acres.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

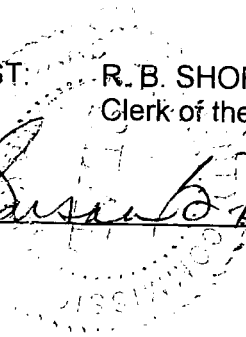
PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THIS THE 21ST DAY OF MARCH, 2000.

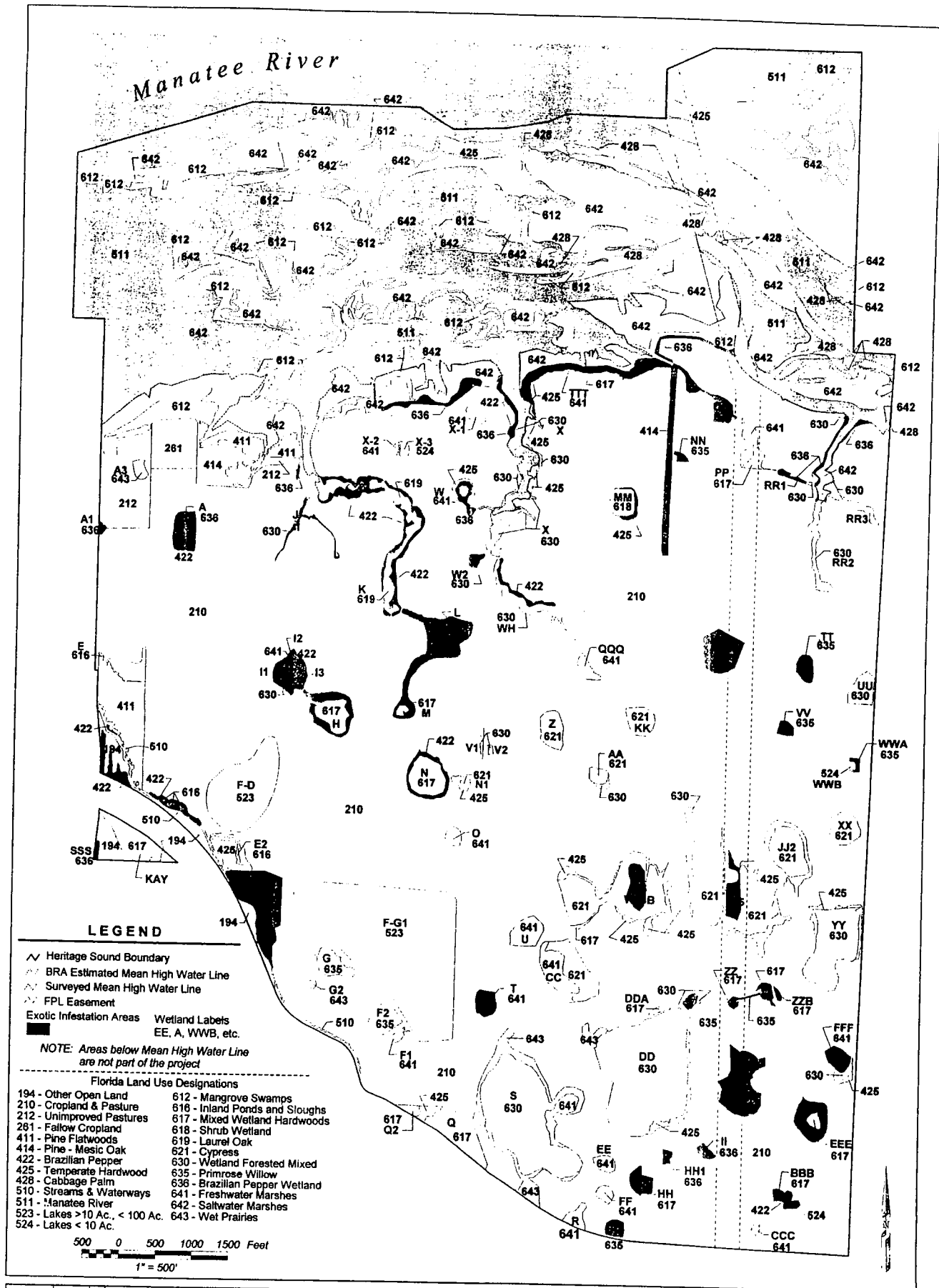
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Stan Stephen
Chairman

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

Susan B. Romo





<p>REVISED MAP F</p> <p>VEGETATION ASSOCIATIONS</p> <p>8 March, 1998</p>	<h1 style="margin: 0;">HERITAGE SOUND</h1> <p style="margin: 0;">A Development of Regional Impact</p> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> <p>US·Home®</p> </div>	<p>CONSULTANT TEAM</p> <table border="0" style="font-size: small;"> <tr> <td>Wilson Miller Project Coordination, Planning, Engineering</td> <td>Harlee, Porgee, Hamlin, Knowles Bald & Prouty Cost Counsel</td> </tr> <tr> <td>Dames & Moore, Inc. Transportation</td> <td>Fishkind & Associates, Inc. Economics</td> </tr> <tr> <td>Biological Research Associates, Ltd. Environmental</td> <td>Janus Research Archaeological</td> </tr> <tr> <td>Florida Planning Studio, Inc. Master Planning</td> <td>W. Dexter Bender & Associates, Inc. Marine Geology & Environmental</td> </tr> </table>	Wilson Miller Project Coordination, Planning, Engineering	Harlee, Porgee, Hamlin, Knowles Bald & Prouty Cost Counsel	Dames & Moore, Inc. Transportation	Fishkind & Associates, Inc. Economics	Biological Research Associates, Ltd. Environmental	Janus Research Archaeological	Florida Planning Studio, Inc. Master Planning	W. Dexter Bender & Associates, Inc. Marine Geology & Environmental
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Biological Research Associates, Ltd. Environmental	Janus Research Archaeological									
Florida Planning Studio, Inc. Master Planning	W. Dexter Bender & Associates, Inc. Marine Geology & Environmental									

EXHIBIT 2

TABLE 13S-4 SUMMARY OF WETLAND IMPACTS PROPOSED WITHIN HERITAGE SOUND				
WETLAND I.D.	WETLAND TYPE AT IMPACT LOCATIONS	IMPACT TYPE	ECOLOGICAL QUALITY OF IMPACTED AREA	ACRES OF IMPACTS
BB	Forested	Road	Medium/High	0.29
BBB	Forested	Residential	Low	0.45
DD	Herbaceous	Golf	Low	2.40
EE	Herbaceous	Road	Medium	0.40
EEE	Forested	Residential	Medium/Low	0.01
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
GG	Herbaceous	Commercial	Medium	1.19
G2	Herbaceous	Commercial	Medium/Low	0.23
H	Forested	Road	Low	0.11
HH	Forested	Road	Low	0.10
I1	Forested	Golf	Low	0.49
I2	Herbaceous	Golf	Low	0.17
I3	Forested	Golf	Low	0.30
J	Forested	Golf	Low	0.10
J	Forested	Residential	Low	0.30
K	Forested	Road	Medium/High	0.09
KK	Herbaceous	Residential	Medium	0.01
L	Forested	Golf	Low	0.03
N	Herbaceous	Road	Medium	0.02
NN	Herbaceous	Golf	Medium/Low	0.40
N1	Forested	Road	Medium/High	0.20
OO	Forested	Golf	Low	0.14
PP	Herbaceous	Residential	Low	0.03
Q	Forested	Road/Commercial	High	4.90
Q2	Forested	Commercial	Medium/High	0.71
R	Herbaceous	Road	Medium	0.57
R2	Herbaceous	Commercial	Medium	0.90
RR3	Forested	Road	High	0.20
S	Herbaceous	Road	Medium/High	1.06
S	Forested	Road	High	3.43

EXHIBIT 2

TABLE 13S-4 (Con't.) SUMMARY OF WETLAND IMPACTS PROPOSED WITHIN HERITAGE SOUND				
WETLAND I.D.	WETLAND TYPE AT IMPACT LOCATIONS	IMPACT TYPE	ECOLOGICAL QUALITY OF IMPACTED AREA	ACRES OF IMPACTS
V1	Forested	Residential	Medium/Low	0.29
V2	Forested	Residential	Medium	0.17
W	Forested	Residential	Medium/Low	0.20
WWA	Herbaceous	Residential	Low	0.34
WWB	Herbaceous	Residential	Low	0.14
WH	Forested	Road	Medium	0.30
X	Forested	Golf	Medium/High	0.05
ZZ	Herbaceous	Residential	Medium/Low	0.11
River Marsh	Herbaceous	Golf	High	0.03
River Marsh*	Herbaceous	Marina	High	1.10
TOTAL WETLAND IMPACT ACREAGE				29.34

*0.7 acres of Rivermarsh impacts fall below Mean High Water Elevation.

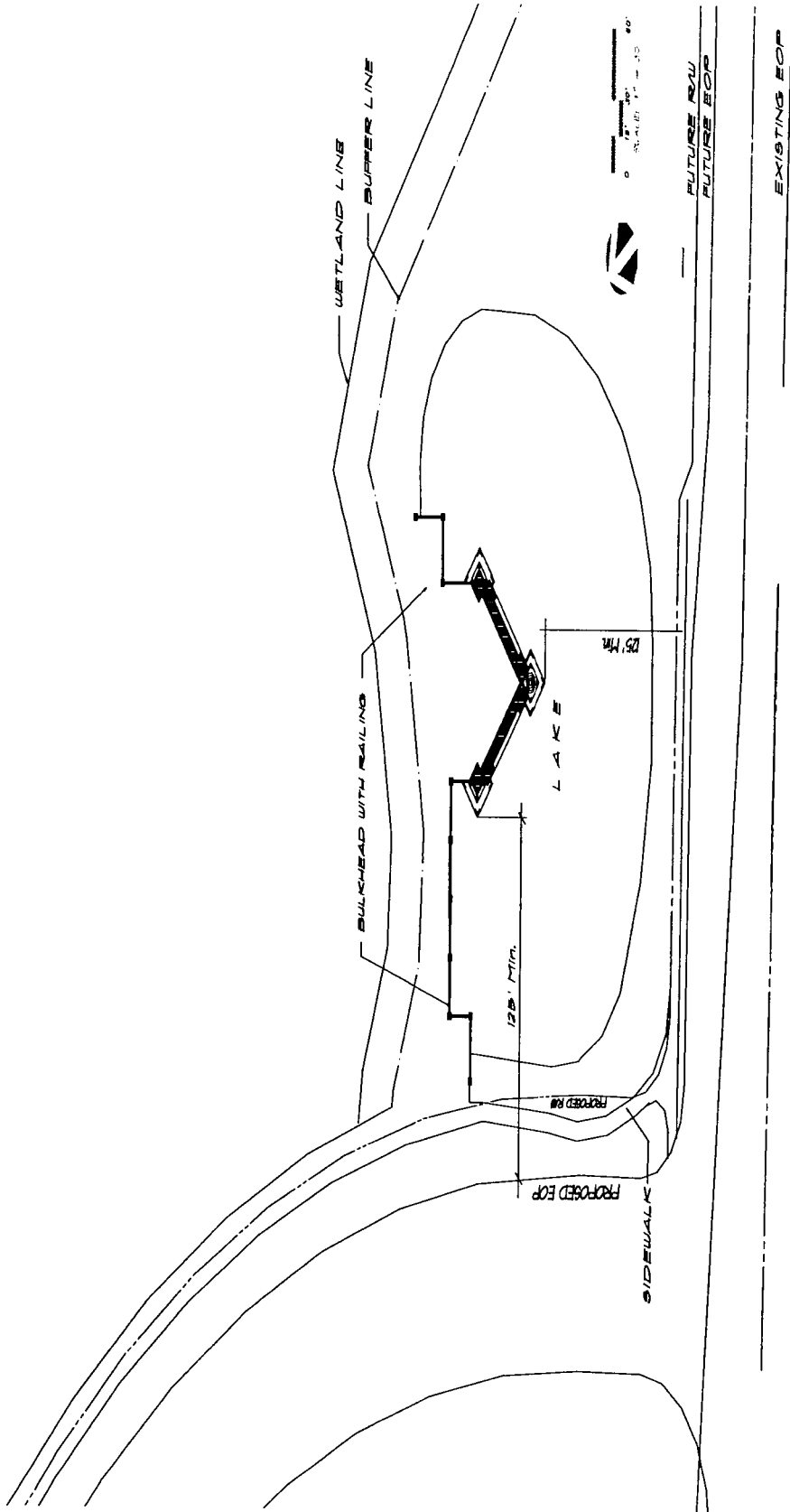
EXHIBIT 3

**TABLE 12S-2
SUMMARY OF ALL PRESERVED PLANT
COMMUNITIES WITHIN HERITAGE SOUND**

FLUCFUS CODE	COMMUNITY TYPE	EXISTING ACREAGE	POST DEVELOPMENT ACREAGE	PERCENTAGE OF COMMUNITY RETAINED
194	Other Open Land	13.7	122.4	-
210	Cropland & Pastureland	1787.7	0	0
212	Unimproved Pasture	18.9	-	0
261	Fallow Cropland	9.6	-	0
411	Pine Flatwoods	22.9	9.6	42.1
414	Pine-Mesic Oak	13.2	6.5	49.1
422	Brazilian Pepper	35.0	0	0
425	Temperate Hardwoods	35.3	20.1	56.9
428	Cabbage Palm	11.8	11.8	100
510	Streams & Waterways	3.7	3.7	100
523	Lakes, 10-100 acres	84.7	84.7	100
524	Lakes, < 10 acres	1.2	164.6	1371.7
612	Mangrove Swamps	15.7	15.7	100
616	Inland Ponds & Sloughs	1.1	1.1	100
617	Mixed Wetland Hardwoods	45.8	46.8	102.2
618	Shrub Wetlands	2.5	2.5	100
619	Laurel Oak	5.6	5.7	101.8
621	Cypress	60.6	61.0	100.6
630	Wetland Forested Mixed	101.0	102.4	101.4
635	Primrose Willow	22.4	14.0	62.5
636	Brazilian Pepper Wetland	19.2	18.7	97.4
641	Freshwater Marsh	28.2	40.0	141.8
642	Saltwater Marsh	143.0	143.3	100.2
643	Wet Prairie	13	13.3	102.3
TOTAL ACREAGE		2495.8		

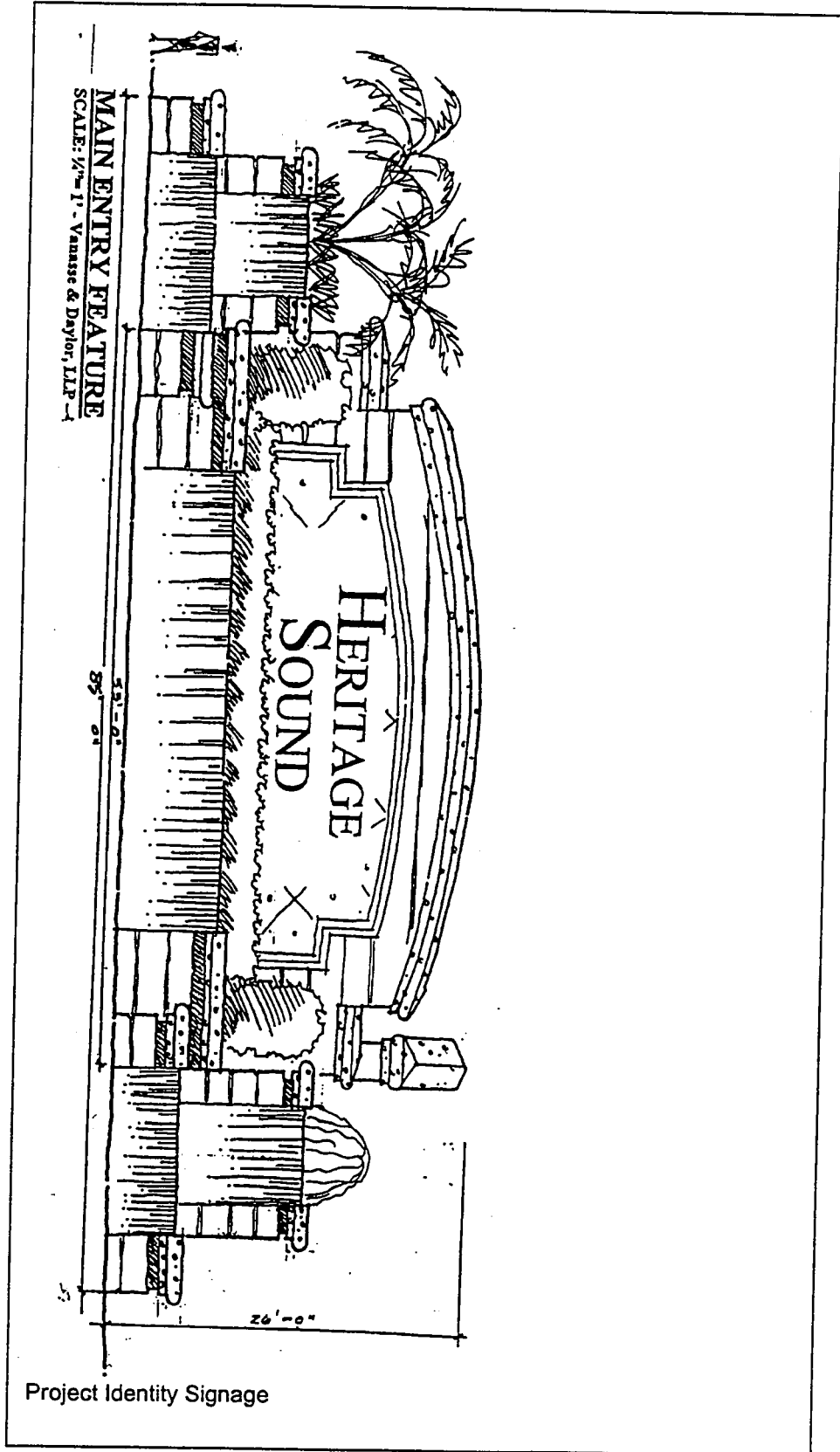
EXHIBIT 4 - APPLICATION FOR DEVELOPMENT APPROVAL DATED OCTOBER 30, 1998 AND SUFFICIENCY RESPONSES SUBMITTED MARCH 25, 1999 AND MAY 19, 1999 AND RESPONSE TO THE SECOND SUFFICIENCY COMMENTS DATED MAY 17, 1999 WERE PREVIOUSLY TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND TAMPA BAY REGIONAL PLANNING COUNCIL BY THE APPLICANT.

EXHIBIT 5

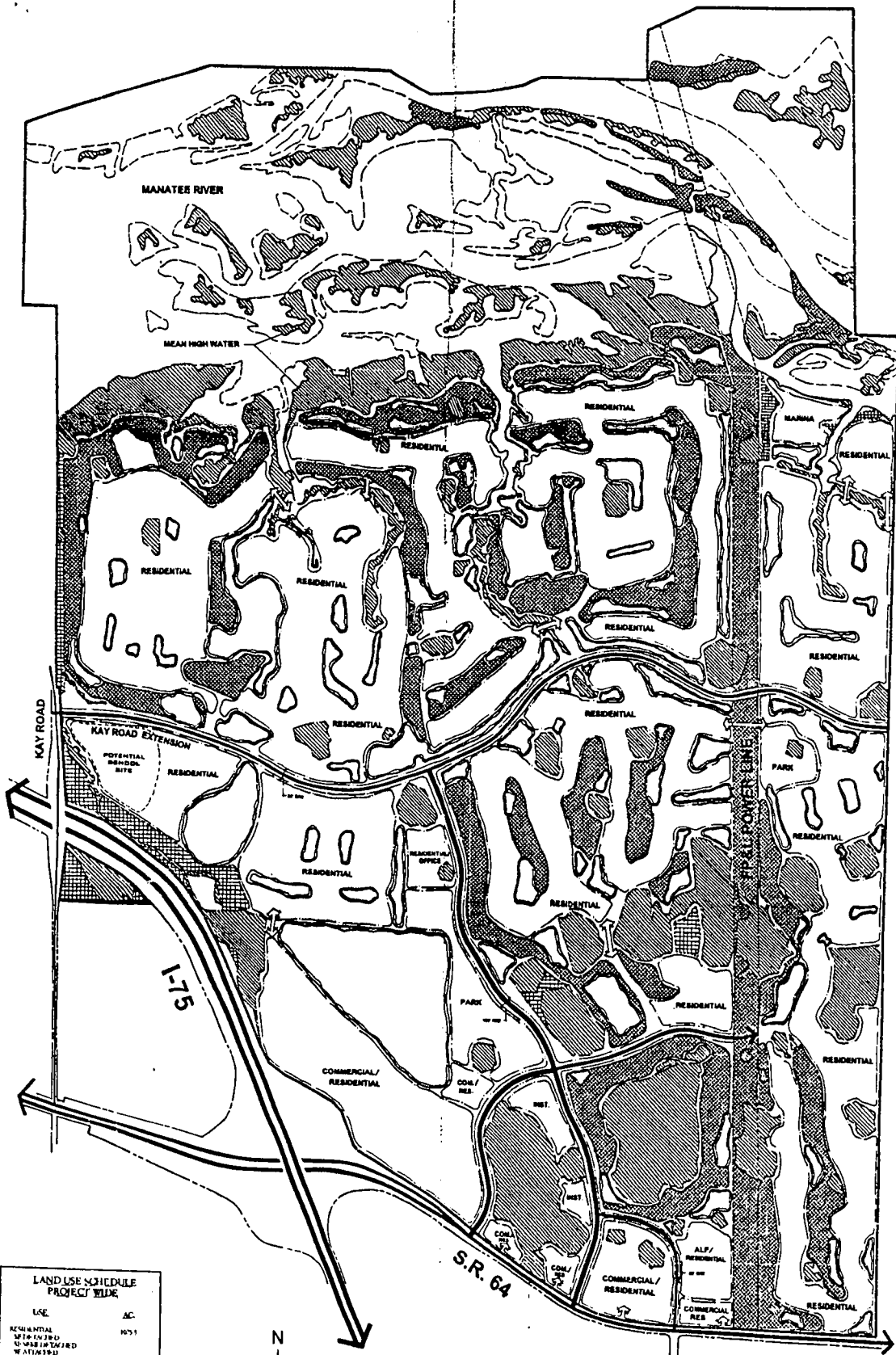


Project Identity Sign – Preliminary Layout Exhibit

Heritage Sound Signage Guidelines
DRAFT June 16 21 August 9, 1999
Page 1



Project Identity Signage



LAND USE SCHEDULE PROJECT WIDE

USE	AC
RESIDENTIAL	105.1
SPRINKLED	
WATERWAYS	
MULTI-USE	
COMMERCIAL	111.0
OFFICE	
RETAIL	
CONVENTIONAL (4 AND 5)	
WAREHOUSE	12.0
INDUSTRIAL	102.4
UTILITIES	10.5
RECREATION	42.0
LANDSCAPE ARCHITECTURE	10.0
LANDSCAPE	11.0
UTILITIES	11.0
UTILITIES	11.0
TOTAL	299.0

DEVELOPMENT PHASING PROJECT WIDE

DEVELOPMENT CATEGORY	PHASE 1 7/00-20/04	PHASE 2 2/05-20/07	TOTAL
CONVENTIONAL	43,225 SF	41,225 SF	84,450 SF
OFFICE	81,200 SF	81,200 SF	162,400 SF
RETAIL	14,800 SF	14,800 SF	29,600 SF
WAREHOUSE	22,875 SF	22,875 SF	45,750 SF
INDUSTRIAL	1,000 SF	1,000 SF	2,000 SF
UTILITIES	42,125 SF	42,125 SF	84,250 SF
RECREATION	10,000 SF	10,000 SF	20,000 SF
LANDSCAPE ARCHITECTURE	10,000 SF	10,000 SF	20,000 SF
LANDSCAPE	10,000 SF	10,000 SF	20,000 SF
UTILITIES	10,000 SF	10,000 SF	20,000 SF
UTILITIES	10,000 SF	10,000 SF	20,000 SF
TOTAL	141,025 SF	141,025 SF	282,050 SF

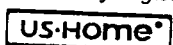
LEGEND

- WATERWAYS
- EXISTING & PROPOSED LAKES
- EXISTING & PROPOSED CANALS
- UTILITIES
- PROPOSED UTILITIES

REVISED MASTER DEVELOPMENT PLAN MAP H
 January 17, 2000

HERITAGE SOUND

A Development of Regional Impact



CONSULTANT TEAM

Wilson Miller
 Project Commission, Planning, Engineering
 Darms & Moore, Inc.
 Transportation
 Biological Resources
 Harbo, Pargus, Martin, Knowles
 Balm & Probst
 Legal Counsel
 Finkland & Associates, Inc.
 Erosion

Florida Planning Studio, Inc. W. Decker Barber & Associates, Inc.
 Storm Planning Storm Engineering & Environment

CRD IN PLAN 00-19

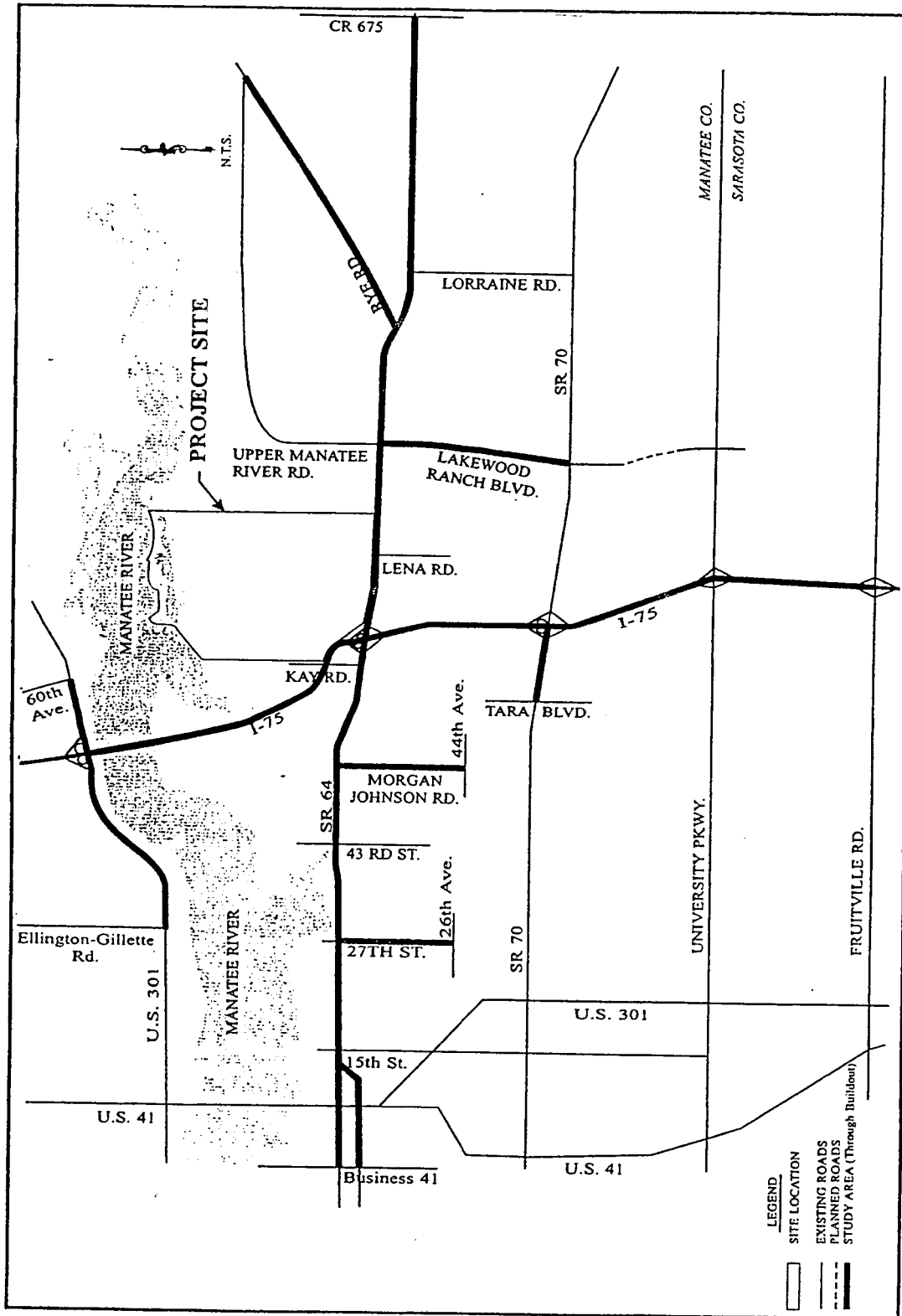


Figure 21-1
Transportation Study Network
 Heritage Sound



TABLE 21-8
PROJECT TRIP GENERATION--PHASE I
HERITAGE SOUND DRI

Land Use	LUC	Size	Daily Trips (Two-Way)	A.M. Peak-Hour Trips		P.M. Peak-Hour Trips	
				In	Out	In	Out
S.F. Dwelling Units- Detached	210	1,290 d.u.	10,899	228	684	688	387
M.F. Dwelling Units- Apts.	220	300 d.u.	1,932	24	128	121	60
S.F. Dwelling Units Attached	230	960 d.u.	4,451	52	254	267	132
Hotel	310	150 occ. rms.	1,338	51	37	45	46
Park	412	26 acres	59	1	0	1	1
Community Docking Facility	420	162 slips	723	4	9	19	13
Golf Course	430	18 holes	643	32	8	22	27
Library (Institutional)	590	20,000 s.f.	1,192	15	6	64	69
ACLF/Nursing Home	620	300 beds	972	29	17	22	30
Business Office	710	85,000 s.f.	1,171	144	20	30	145
General Commercial Retail	820	200,000 s.f.	10,645	147	94	486	527
Highway Commercial Retail	820	25,000 s.f.	2,795	43	27	131	141
Neighborhood Commercial Retail	820	150,000 s.f.	8,847	124	79	405	439
Total Trips =			45,667	894	1,363	2,301	2,017

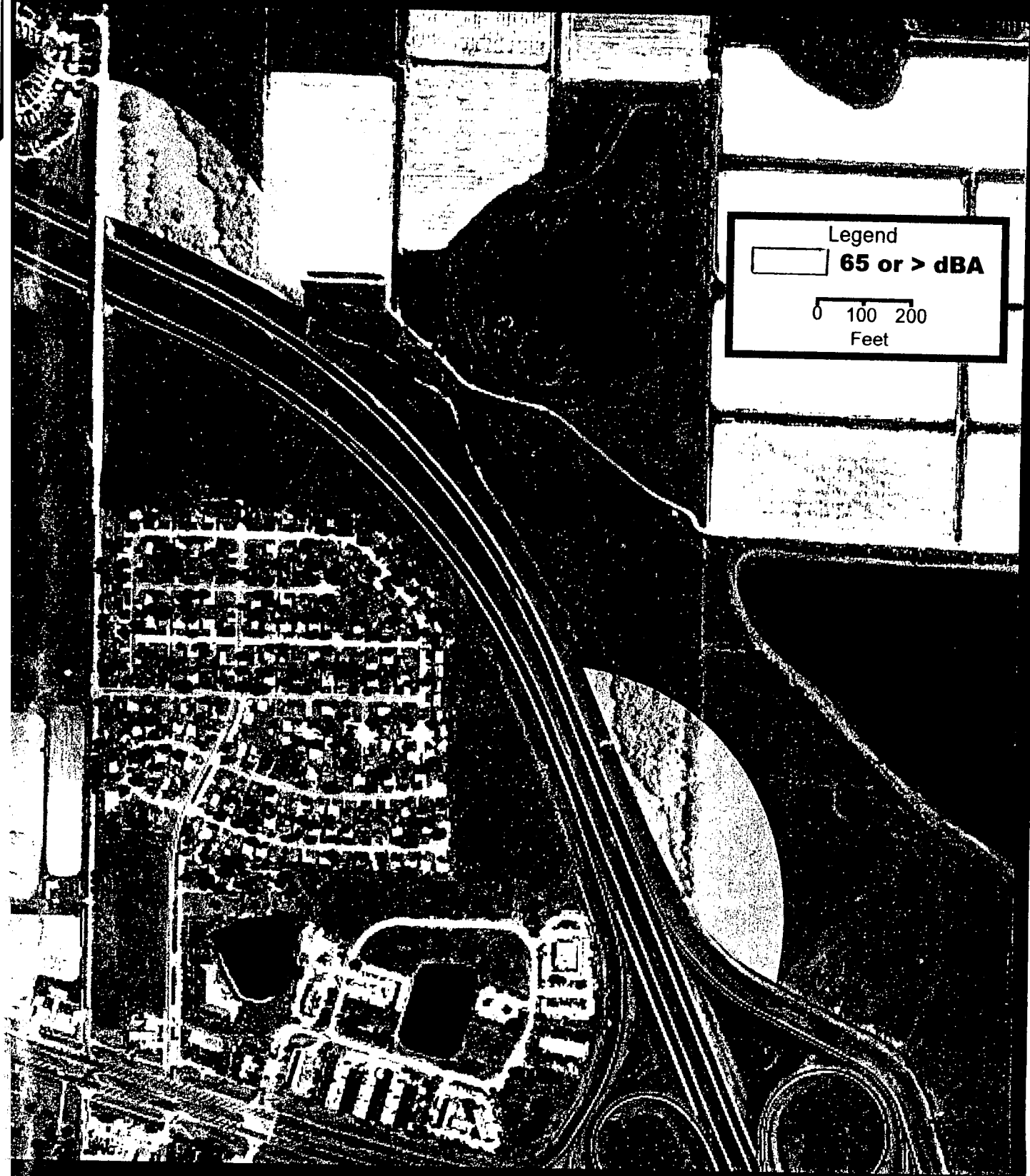
Source : ITE, Trip Generation, 6th Ed., 1997
ITE Journal, June 1996
Dames & Mooré, 1998

TABLE 21-10
INTERNAL/EXTERNAL TRIP ESTIMATES--PHASE I
HERITAGE SOUND DRI

	DAILY TRIPS	A.M. PEAK-HOUR TRIPS		P.M. PEAK-HOUR TRIPS	
		IN	OUT	IN	OUT
Total Gross Trip-Ends	45,667	894	1,363	2,301	2,017
Internal Capture Trips (20%)	<u>-9133</u>	<u>-226</u>	<u>-226</u>	<u>-431</u>	<u>-431</u>
Total External Trip-Ends	36,534	668	1,137	1,870	1,586
Pass-by Capture Trips	<u>-7377</u>	<u>-105</u>	<u>-66</u>	<u>-340</u>	<u>-367</u>
Total New External Trip-Ends	<u>29,157</u>	<u>563</u>	<u>1,071</u>	<u>1,530</u>	<u>1,219</u>

Source : ITE, Trip Generation, 5th Ed., 1991
Dames & Moore, 1998

I-75 Noise Impact Areas



**HERITAGE SOUND
WATER QUALITY MONITORING PLAN
REVISED AUGUST 1998**

Prepared for:

US Home Corporation
337 Interstate Boulevard
Sarasota, Florida 34240

Raymond K. Loraine
Senior Ecologist

Douglas J. Durbin, Ph.D.
Senior Ecologist

1.0 Introduction

The proposed Heritage Sound development is located immediately south of the Manatee River and east of Interstate 75 in Sections 13, 14, 23, 24, 25, 26, 35, and 36, Township 34 S., Range 18 E., Manatee County, Florida. The US Home Corporation is currently initiating the Application for Development Approval (ADA) process required for approval of Heritage Sound as a Development of Regional Impact (DRI). It is the applicant's desire to implement the water quality monitoring outlined in this plan during the 1998 rainy season to characterize baseline conditions on the project site. As development progresses, this plan will be modified to account for changes in site drainage resulting from improvements to the stormwater management system accompanying construction.

Heritage Sound is characterized by relatively flat topography and the site drains from the south to north into the Manatee River. The Manatee River has several braided tributaries along the northern perimeter that extend through portions of the site. The site is drained by numerous ditches constructed to enhance the agricultural use of the parcel. Two large borrow pits were excavated in the southwest portion of the site during construction of Interstate 75 to the west. Drainage from the Interstate 75 corridor and other roadways is present along the western and southern portion of the site.

Note that this monitoring plan does not address turbidity monitoring in surface waters adjacent to active earthmoving or construction areas. Such monitoring may be required to ensure compliance with water quality standards and would follow a separate schedule as stipulated by applicable permits or by agency personnel.

2.0 Baseline Sampling

2.1 Surface Water Sampling

2.1.1 Samplings Locations

Sampling will initially be conducted at fifteen stations to measure water entering and exiting the site. Sampling station locations are shown on Figure 1. Sampling at Stations SW-2, SW-3, SW-9, SW-10, SW-11, and SW-12 will characterize water quality flowing into and through the site. Station SW-4 will assess water quality in the larger of the two borrow pits on the site. Only one of the borrow pits will be sampled since water quality is expected to be similar in the two pits. Stations SW-1, SW-5, SW-6, SW-7, SW-8, SW-13, SW-14, and SW-15 will characterize water flowing off of the site and into the Manatee River. Several sampling stations will be located along these tributaries.

Following one year of baseline sampling (i.e., two wet season and two dry season events), sampling will be discontinued at one or more of Stations SW-4, SW-6, SW-8, and SW-13 if state water quality standards are not exceeded. These stations are included in the initial sampling to fully

characterize water quality on the parcel, but because they assess water draining only from within the site and are largely redundant with other nearby stations, continued sampling is not warranted in the absence of water quality concerns.

As site development proceeds, some stations will likely be relocated to characterize outfalls from stormwater treatment areas. Such changes will be noted in each annual report submitted during the development phase.

2.1.2 Sampling Schedule

Field measurements will be made and grab samples collected within 24 hours after a 0.5 inch rainfall event. A single sample will be collected at each sampling station where discharge is present. Where no discharge is present, no field measurements or sampling will be conducted.

The initial rainy season baseline sampling events will occur following approval of this methodology during the summer of 1998. Baseline dry season events will be conducted during January - May 1999. Thereafter, post-development wet and dry season samples will be collected in accordance with the conditions of the project's development order.

2.1.3 Parameters

The following parameters will be measured in the field at each active station:

temperature	_____	conductivity	_____	turbidity
pH	_____	dissolved oxygen	_____	

A grab sample from each station will be transported to the laboratory for analysis of the following constituents:

total phosphorus	total suspended solids	cadmium
ortho-phosphate	fecal coliform bacteria	chromium
total nitrogen	total coliform bacteria	copper
total ammonia	biological oxygen demand	lead
nitrate/nitrite	pesticides	zinc

Following the first baseline sampling, if no pesticides have been reported above normal method detection limits for a given station, this parameter will no longer be measured for that station. As sampling continues, other parameters may also be eliminated from the regimen if results indicate no water quality concerns.

2.2 Surficial Aquifer Sampling

2.2.1 Sampling Locations

Sampling will be conducted at five stations to characterize the existing surficial aquifer ground water quality on the project site. Sampling station locations are shown on Figure 1. The placement of surficial aquifer monitoring wells is designed to sample groundwater along the flow gradient from the south toward the Manatee River. Stations GW-1, GW-2, and GW-3 will characterize the surficial ground water table adjacent to the Manatee River. Stations GW-4 and GW-5 will characterize surficial ground water from the center and southern portion of the project, respectively. Each well will be situated to minimize its potential conflict with current or future adjacent land uses. However, as site development proceeds it may be necessary to relocate one or more sampling well which interfere with site improvement. Also, following the baseline sampling, the results will be evaluated to determine if one or more wells may be eliminated from further sampling if no water quality concerns are noted.

2.2.2 Sampling Schedule

In accordance with the Florida Department of Environmental Protection's (DEP) recommended groundwater sampling protocol, sampling will be conducted coincident with a rainy season surface water sampling event. The initial baseline sampling event will be conducted in August 1998.

2.2.3 Parameters

A sample from each well will be transported to the laboratory for analysis of the following constituents:

total phosphorus	total suspended solids	cadmium
ortho-phosphate	oil and grease	chromium
total Kjeldahl nitrogen	chloride	copper
total ammonia	sulfide	lead
nitrate/nitrite	arsenic	mercury
chlorinated hydrocarbon pesticides (EPA 608)		nickel
chlorinated phenoxy acid herbicides (EPA 615)		zinc

Following the first baseline sampling, the results will be evaluated to determine if the above set of parameters may be reduced if no water quality concerns are noted.

2.2.4 Well Construction Specifications

Surficial aquifer wells will be constructed from standard two-inch PVC with 0.02-inch slotting extending from approximately three feet below ground surface to the bottom of the well. Each well will have a PVC well point and protective cap and will extend to a depth of approximately 13 feet below ground surface. The wells will be protected by a lockable steel case to prevent tampering or physical disturbance. Installation will be completed by a state certified well driller and will be permitted according to South West Florida Water Management District (SWFWMD) guidelines.

3.0 Post-development Sampling

3.1 Surface Water Sampling

3.1.1. Sampling Locations

Post-development sampling will be conducted at the same stations used to characterize baseline water quality, as modified by the elimination of stations where further sampling is not warranted. Stations will be considered for elimination from the post-development sampling program if they meet two criteria: (1) state water quality standards were not exceeded during baseline sampling and (2) the stations are not needed to characterize water quality flowing onto or off of the project. Using these criteria, Stations SW-4, SW-6, SW-8, and SW-13 may be candidates for exclusion from post-development sampling. Any proposal to eliminate some or all of the above referenced stations from post-development sampling will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

3.1.2. Sampling Schedule

Post-development sampling will begin following initiation of construction activities. Sampling will be conducted once in the wet season and once in the dry season during any year in which construction is on-going and for one year following construction activities. For the purposes of this scheduling, construction activities shall be defined as land clearing, construction of the project infrastructure and surface water management system, and earthwork to construct golf courses and mass grade development parcels. Construction will be considered complete when mass grading has been completed and soils are stabilized to prevent erosion or discharge from a development parcel. Construction of homes

or other structures will not be considered construction for the purposes of this plan.

Field measurements will be made and grab samples collected within 24 hours after a 0.5-inch or greater rainfall event. A single sample will be collected at each sampling station where discharge is present. Where no discharge is present, no field measurement or sampling will be conducted. Rainy season sampling will be conducted between June and September. Dry season sampling will be conducted between November and May.

3.1.3. Parameters

Sampling will measure the parameters outlined in Section 2.1.3 of this monitoring plan. At stations where pesticides are not detected during the baseline sampling, this parameter will be eliminated from post-development sampling. Other parameters may also be eliminated from the sampling regimen as justified by their absence in the pre-development sampling results. Any proposed modifications to the list of parameters will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

3.2 Surficial Aquifer Sampling

3.2.1 Sampling Locations

Sampling will be conducted at the stations used to characterize baseline surficial aquifer water quality, as modified by the elimination of stations where further sampling is not warranted as determined pursuant to Section 2.2.1 of this plan. Stations will be considered for elimination from the post-development sampling if no water quality concerns are noted in the baseline sampling. Any proposal to eliminate surficial aquifer sampling stations will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

3.2.2 Sampling Schedule

Post-development sampling will begin following initiation of construction as defined in Section 3.1.2 of this plan. Following the first post-development sampling event, sampling of surficial aquifer water quality will be conducted bi-yearly (once every two years) until construction is completed.

3.2.3 Parameters

Sampling will measure the parameters outlined in Section 2.2.3 of this monitoring plan. At stations where parameters are not detected during the baseline sampling, this parameter will be eliminated from post-development sampling. Any

proposed modifications to the list of parameters will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

4.0 Quality Control

Sampling will be conducted by an organization with a Comprehensive Quality Assurance Plan (CompQAP) for field measurement and sampling approved by the Florida Department of Environmental Protection (DEP). Laboratory analyses will be performed by a facility with a State-approved CompQAP.

5.0 Reporting

Once a year, a report containing the results of surface water monitoring will be prepared for inclusion in the DRI Annual Report submitted to Manatee County. Reports will include:

- ☛ date of sampling events
- ☛ results and brief discussion of laboratory measurements and comparison with Florida surface water and groundwater standards (Chapters 62-302 and 62-520, F.A.C.)
- ☛ discussion of unusual or anomalous field conditions or measurements
- ☛ copies of laboratory results sheets
- ☛ any changes in the monitoring protocol effected in the preceding year
- ☛ expected changes in the monitoring protocol anticipated in the coming year.

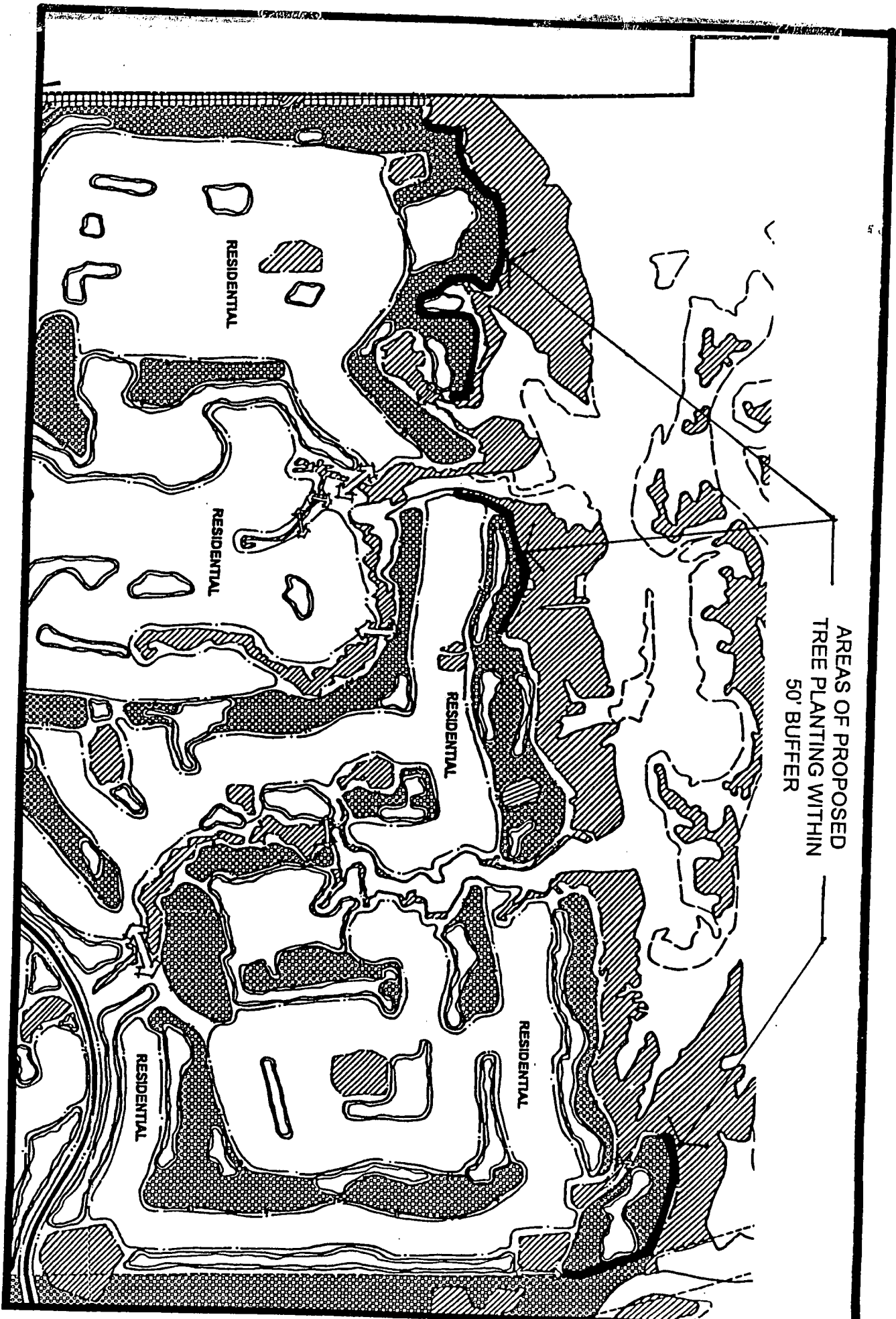
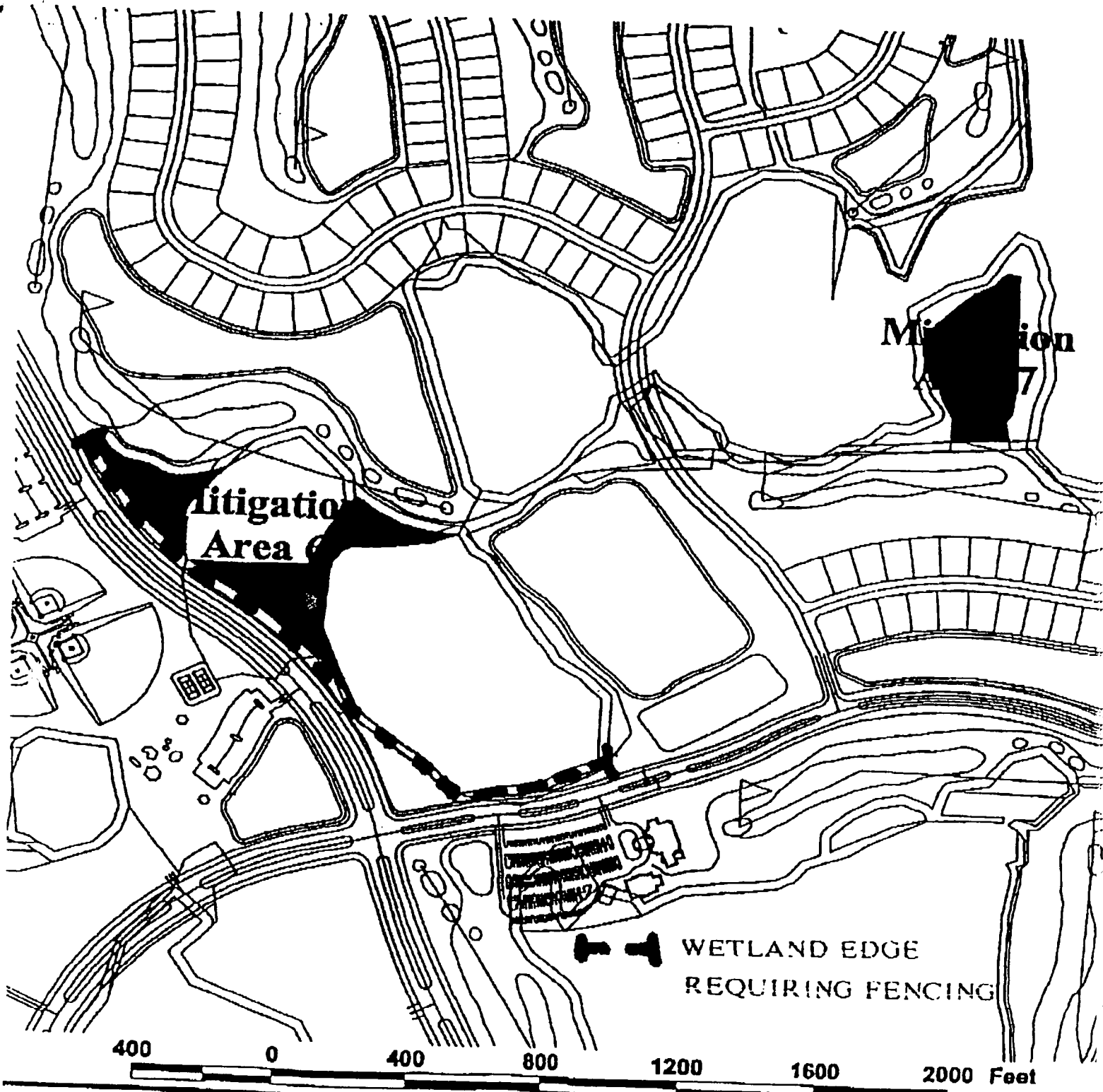


EXHIBIT 11



**Heritage Sound DRI
Sandhill Crane Mitigation Areas**

EXHIBIT 12



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 31st day of

March 20 07

R.B. SHORE
Clerk of Circuit Court

By Janece L. Kealey D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

April 4, 2000

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 30, 2000 and certified copies of Manatee County Ordinance Nos. 00-19 and PDMU-98-08(Z)(G), which were filed in this office on April 3, 2000.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED FOR RECORD
R. B. SHORE
CLERK OF CIRCUIT COURT
MANATEE COUNTY
APR 7 10 33 AM '00