

FILED FOR RECORD
R. B. SHOPE
CLERK, CIRCUIT COURT
MAY 2 3 52 PM '01

ORDINANCE 01-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH) (ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT ORDINANCE 99-55); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on January 25, 2000, the Board of County Commissioners adopted Ordinance 99-55, approving amendments to delete a proposed roadway connection within the project, revise the legal description and acreage totals to reflect the dedication of Honore Road right-of-way, and amend the traffic monitoring requirements.

WHEREAS, Crescent Resources, L.L.C., Arvida Corporate Park Associates, Woodlands Country Club Associates, and the Department of Community Affairs entered into an Agreement (DRI Agreement) dated November 8, 2000, authorizing the revision of the Unnamed Exclusive Golf and Country Club Development Order to remove approximately 15 acres, to eliminate the 40,000 square foot Commercial Village, and to reduce the size of the clubhouse and project related facilities from 35,000 to 32,000 square feet.

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a residential project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

- 1.) Revise Map H and the legal description to reduce the project area from 1,201.37 to 1,187.6 acres;
- 2.) Delete the 40,000 square feet of approved neighborhood commercial space located adjacent to the clubhouse;
- 3.) Reduce the club house and accessory restaurant from 35,000 to 32,000 square feet in area.
- 4.) Amend Map C and Condition D.(9) to reduce the TBRPC Conservation areas for the project from 34.91 to 30.49 acres;
- 5.) Amend Condition P.(6) to clarify the Development Order expiration date;
- 6.) Eliminate specific conditions within the development order pertaining to platting [A.(3)] and recreational open space [N.(3)];
- 7.) Substitute new language for Wastewater Conditions I.(1) - (5);and
- 8.) Amend terminology and other provisions to reflect the above changes to this DRI.

WHEREAS, the above described changes, in cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

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

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

WHEREAS, the Board of County Commissioners of Manatee County on April 24, 2001, held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

- A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13, 97-24, and 99-55.
- B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 1,202 acre project.
- C. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.
- D. The Board of County Commissioners held public a hearing on April 24, 2001 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.
- E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.
- G. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions

listed in Section 4, the County has determined that adequate Levels of Service exist until December 30, 2007 for this project in each of these areas referenced in subsection 1.F., above.

- H. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, 97-24, and 99-55), and the Manatee County Comprehensive Plan, provided all development after April 24, 2001 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.
- I. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.
- J. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.
- K. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.
- L. Proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- M. Authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.
- N. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.
- O. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance 99-55 01-19.

- P. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

- Q. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 2. CONCLUSIONS OF LAW

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

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders.
 2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, on September 8, 1999 regarding the third NOPC, and on March 7, 2001 Regarding the 4th NOPC.
 3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.
- B. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.
- D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.
- E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on January 5, 2001 and approved with conditions pursuant to Ordinance 01-19 do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 3. DEFINITIONS

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

- A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).
- B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.
- BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 150.45 acres more or less and more particularly described in Exhibit E.
- 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 (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on March 26, 2001, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.
- E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.
- F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.
- G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

- H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.
- I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:
1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit 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 said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT 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 and 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. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).
- K. "Master Development Order* (MDO*)" shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.
- L. "Master Development Plan*" shall be defined as Revised Map H, last revised on March 26, 2001 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.
- LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, the third NOPC submitted on September 1, 1999, and the fourth NOPC submitted on January 5, 2001 as amended and included as Exhibit "A".
- M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the

Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

- O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.
- P. "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) for a Phase or Sub-Phase.
- Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.
- R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.
- S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.
- T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.
- U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such

Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

- V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.
- W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.
- X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South 1/2 of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.
- Y. "Warranted*" shall mean a determination by the Manatee County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.
- Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

**TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY**

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:	1,187.59 Acres	
Residential	699 Acres	
Golf Course/Clubhouse	320 Acres	
Open Space (Roads, Right-of-Way, etc.)	168.59 Acres	
Residential Units	1,238 d.u.	
Golf Course*	27 Holes	
Country Club & Restaurant**	32,000Sq. Ft.	
BUILD-OUT DATE	December 30, 2007	

- * Includes related facilities typically associated with the function of a golf course
- ** Includes administrative offices and promotional center accessory to this development.

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. 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. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

~~A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted. (Reserved)~~

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-

75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

- a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

**TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT**

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

- 1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10

percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. 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. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

- B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.
- C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

- D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters , 62-302 and 62-25, F.A.C., as well as Manatee County requirements.

- D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

- D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.
- D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by EMD. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

- D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187 acre shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.
- D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.
- D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall

include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

**TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS**

AREAS	MITIGATION RATIOS●	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.

●Ratio is Mitigated Wetland*: Disturbed Wetlands*.

- D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.
- D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

- E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.
- E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

- F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, the Environmental Management Department (EMD), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.
- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation

for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

- a. No hydroperiod alteration shall be permitted in Preservation Areas*.
- b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.
- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

- I.(1) Wastewater services shall be provided by Manatee County.

WATER

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating

from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

- J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

- K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:
- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;
 - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and
 - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

- L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

- e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. Institute and utilize recycling programs; and
 - h. Utilize energy efficient packaging or recyclable materials.
- L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

- M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

- N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

- O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

- P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.
- P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;
 - d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
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- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
 - j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
 - k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and
 - l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), and L(2).
- P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.
- P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- P.(6) This Development Order shall expire on July 8, 2012. Buildout shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge
-

at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII), Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality. (ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the ±1,187.59 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 30, 2007, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the order have occurred; or
- B. The order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

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

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

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

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

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

SECTION 13. SEVERABILITY

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

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-27 during the pendency of any appeal.

SECTION 15. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 12.

The previous development order for UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB which was adopted on September 27, 1993 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 24th day of April, 2001.

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

BY: *Joe McClash*
Joe McClash,
Chairman

ATTEST:

R.B. Shore
R.B. SHORE
Clerk of the Circuit Court



EXHIBITS A, C, D, E, F, G, H, I, AND K

**ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS
TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER FOR THE UNNAMED
EXCLUSIVE GOLF AND COUNTRY CLUB.**

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

- b. Parametric coverage of the monitoring plan should include the following:
 - specific conductance (field)
 - temperature (field)
 - dissolved oxygen (field)
 - pH (field)
 - flow rates (field)
 - chlorides
 - sulfates
 - fluoride
 - total dissolved solids
 - total suspended solids
 - ammonia
 - nitrate
 - nitrite
 - total Kjeldahl nitrogen
 - total nitrogen
 - orthophosphate
 - total phosphorous
 - copper
 - lead
 - zinc
 - mercury
 - nickel
 - arsenic
 - cadmium
 - chromium
 - silver
 - total coliform

- fecal coliform
 - BOD-5
 - primary organics (pesticides and herbicides)
- c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.
- d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.
- e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.
- f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.



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 20th day of

April, 2001

R.B. SHORE
 Clerk of Circuit Court

By: [Signature] 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 30, 2001

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

FILED FOR RECORD
30 APR 2001
CLERK OF CIRCUIT COURT
MANATEE CO. FL
MAY 2 3 52 PM '01

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated April 26, 2001 and certified copies of Manatee County Ordinance Nos. PDR-89-05(G)(R8) and 01-19, which were filed in this office on April 30, 2001.

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

Sincerely,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

Municipal Code Corporation
info@mail.aunicode.com
PO Box 2235
Tallahassee, FL 32316-2235

Supplement 49

05/08/2001

We have received the following material through hard copy. Thank you for your assistance and cooperation.

Ordinance No. 01-19.

900-252-2633 fax 850-575-8852

MVA

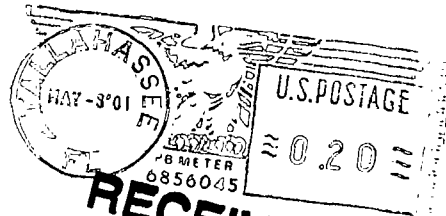
We can print Police and Sheriff's manuals.

Let us help you get your Manuals up-to-date.

Tired of mailing out Codes and Supplement?

We can distribute them for you for a minimal fee!

e-mail your ords to us at ords@mail.aunicode.com



RECEIVED
MAY 11 2001
SWITCHBOARD

TO:

Mr. R.B. "Chips" Shore
Clerk Of Circuit Court
Manatee County
PO Box 25400
Bradenton, FL 34206



5-3-01 GA
CC: Int. Audit
BCC - Barbara