

MANATEE COUNTY ZONING ORDINANCE  
PDMU-92-01(Z)(G)(R<sup>1</sup>) - SCHROEDER-MANATEE, INC.  
(AKA UNIVERSITY LAKES OF MANATEE, INC.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A/WP-E (GENERAL AGRICULTURE, 1 DU/5 ACRES/EVERS RESERVOIR WATERSHED PROTECTION OVERLAY DISTRICT), A/WP-E/ST (GENERAL AGRICULTURE, 1 DU/5 ACRES/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS), A-1/WP-E/ST (SUBURBAN AGRICULTURE, 1 DU/ACRE/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS), AND PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS) TO PDMU/WP-E/ST (PLANNED DEVELOPMENT MIXED USE/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS); PROVIDING FOR AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN WHICH INCLUDES 3,137 DWELLING UNITS, 1,771,000 SQUARE FEET OF COMMERCIAL SPACE, 300 HOTEL ROOMS (250,000 SQ. FT.), 787,200 SQUARE FEET OF OFFICE SPACE AND 1,180,800 SQUARE FEET OF INDUSTRIAL SPACE WITH ACCESSORY RELATED USES.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A/WP-E (General Agriculture, 1 du/5 acres/Evers Reservoir Watershed Protection Overlay District), A/WP-E/ST (General Agriculture, 1 du/5 acres/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts), A-1/WP-E/ST (Suburban Agriculture, 1 du/acre/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts), and PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts).

B. The said Board of County Commissioners held public hearings on April 23, 1992, May 28, 1992 and June 1, 1992 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and further considered the information received at said public hearings.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein was found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA  
Nov 8 11 15 AM '93

FILED  
NOV 8 1993  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

D. The proposed amendment to the Official Zoning Atlas was considered in conjunction with a Development of Regional Impact (Ordinance 92-32) which was a Project\* filed pursuant to Section 380.06, Florida Statutes, by the Developer\*.

E. The Board of County Commissioners, on June 1, 1992, approved Ordinances PDMU-92-01(Z) (G) and 92-32, which granted local approval to the Project\*.

F. The Department of Community Affairs and the Tampa Bay Regional Planning Council appealed Ordinance 92-32 within the statutory time frame allowed.

G. Subsequent to the appeal, the Developer\* entered into a settlement agreement with the Tampa Bay Regional Planning Council and the Department of Community Affairs. The purpose of the settlement agreement was to resolve any outstanding concerns of the two latter parties.

H. The existing rezone ordinance [PDMU-92-01(Z) (G)] would be inconsistent with the revised Development of Regional Impact Ordinance 93-25 (fka Ordinance 92-32) resulting from the settlement agreement, if not amended.

I. The said Board of County Commissioners held public hearings on October 28, 1993 regarding said proposed amended Official Zoning Atlas Amendment herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at the public hearing.

J. The proposed amended rezone ordinance [PDMU-92-01(Z) (G) (R<sup>1</sup>)], amending the Official Zoning Atlas regarding the property described in Section 4 herein, is found to be consistent with the requirements of the Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The General Development Plan, entitled UNIVERSITY LAKES, is hereby APPROVED to allow 3,137 dwelling units, 1,771,000 square feet of commercial space, 300 hotel rooms (250,000 sq. ft.), 787,200 square feet of office space and 1,180,800 square feet of industrial space with accessory related uses with the following definitions and stipulations:

#### DEFINITIONS

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

- A. "380 Review Agreement\*" shall mean the Agreement executed between DCA, TBRPC, the Southwest Florida Regional Planning Council ("SWFRPC"), and Schroeder-Manatee, Inc. dated September 6, 1991 which governs the review of the University Lakes and University Place DRI's. A copy of the 380 Review Agreement\* is attached as Attachment #3 to the Development Order.
- B. "Application for Development Approval\*" (or ADA\*) shall mean University Lakes, Inc. Development of Regional Impact Application for Development Approval (May 31, 1991), the Sufficiency Response submitted by the Developer\* on October 25, 1991, and Appendix E Cumulative Affordable Housing Analysis.
- C. "Best Management Practices\*" (BMP) 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. "Combined Projects\*" shall refer to both University Lakes and the neighboring project, University Place.
- E. "County\*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "Developer\*" shall mean University Lakes of Manatee, Inc., its heirs, assigns, designees and successors in interest as to the Project\* and all its conditions of approval.
- G. "Development Approval\*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process and/or Construction Drawing approval where site plans or subdivision plats are not required.
- H. "FRCRPP\*" shall mean the TBRPC's Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region, adopted June 23, 1987 and amended in 1989.
- I. "Funding Commitments\*" shall mean, to assure the completion of any improvement required by this Development Order, one or any combination of the following: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County\* for construction to be completed when the improvement is required as referenced in Tables A and B of this Development Order; or 2) actual construction; or 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the first two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380 of the Florida Statutes. Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables A and B.
- J. "Post-Development Wetlands\*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 17-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Regulation (FDER), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development for this Project\*.
- K. "Project\*" shall mean the land uses, phasing and improvements described in the ADA\* which are attributable to development on that property described in Section 4. herein and set forth on Revised Map H attached hereto as Attachment #4.
- L. "Transportation Impact Area\*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the Combined Projects\* will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC or the County\*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J (attached hereto as Attachment #5)

which was based on data submitted with the ADA\*. In determining the Transportation Impact Area\* for this Project\* all traffic generated by University Place shall be deemed project traffic for University Lakes.

M. "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 such units.

**STIPULATIONS**

**Transportation**

A. (1) The cumulative Phase I University Lakes/University Place transportation analysis conducted under the 380 Review Agreement\* determined the need for the roadway segment and intersection improvements described in Tables A and B below.

**TABLE A**

**PHASE I REQUIRED LINK IMPROVEMENTS**

Roadway Segment Improvement Number	Road Segment Name (From and To)	Total Traffic Peak Hour LOS Prior To Improvement	Applicable Peak Hour Level of Service	Development Traffic As A % of LOS Peak Hour Capacity	Required Improvement To Restore Level of Service	Total PM Peak Hour External Trips for Combined Projects* Before Need*	Date Improvement Needed
1	Fruitville Road From I-75 to Tatum Road	F (in EB) C (in WB)	C C	12.1 (in EB) 6.3 (in WB)	Widen to 4 Lanes	2129	1994
2	University Parkway From I-75 To North/South Road	F (in EB) F (in WB)	D D	103.2 (in EB) 178.5 (in WB)	Widen to 6 Lanes	2733	1994
3	Honore Avenue**** From University Parkway To 17th Street	F (in NB) C (in SB)	C C	58.1 (in NB) 30.3 (in SB)	Widen to 4 Lanes	3403	1995
4	I-75 From SR 681 To Jacaranda Blvd.	C (in NB) E (in SB)	C C	3.9 (in NB) 7.5 (in SB)	Widen to 6 Lanes	4279	1995
5	North/South Road*** From University Parkway To Cypress Banks	F (in NB) D (in SB)	C C	116.1 (in NB) 60.7 (in SB)	Widen to 4 Lanes	4279	1996
6	North/South Road*** From Cypress Banks To SR 70	D (in NB) D (in SB)	C C	66.3 (in NB) 34.7 (in SB)	Widen to 4 Lanes	4279	1996
7	I-75 From Clark Road To SR 681	C (in NB) D (in SB)	C C	4.3 (in NB) 8.3 (in SB)	Widen to 8 Lanes	4434	1996

\*This column represents the cumulative number of peak hour external trips for the Combined Projects\* before the need of the identified improvements for Phase I Land Uses as depicted in Tables 2 and 4 of the DRI Development Order for both University Lakes and University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring the listed improvements.

\*\*This column represents the due date (December 31 of the year in question) by which the identified improvement is required to be constructed or the subject of a Funding Commitment\*.

\*\*\*North/South Road refers to Upper Manatee River Road and lies to the west of the 160 acre lake.

\*\*\*\*As an alternative to this improvement and in lieu thereof, the following improvements shall satisfy the requirement to restore Level of Service:

- (i) Brown Road from University Parkway to Fruitville Road - Construct two (2) lanes; and
- (ii) DeSoto Road from Longwood Run to Brown Road - Construct two (2) lanes; and
- (iii) East/West Collector from Honore Avenue to Brown Road - Construct two (2) lanes.

TABLE B

## PHASE I REQUIRED INTERSECTION IMPROVEMENTS

Required Improvement Number	Improvement Name and Location	Total Traffic Peak Hour LOS Prior To Improvement	Applicable Peak Hour Level of Service	Development Traffic As A % of LOS Peak Hour Capacity	Required Improvement To Restore Level of Service	Total PM Peak Hour External Trips for Combined Projects* Before Need*	Date Improvement Needed**
1	Clark Road at I-75 East	F	C	6.2%	Dual Lefts	2831	1994
2	Bee Ridge Road at Cattleman Road	F	C	7.3%	Dual Lefts	3970	1995
3	University Parkway at I-75 East	F	D	76.2%	Loop Ramp	3867	1995
4	University Parkway at I-75 West	D	D	76.2%	Loop Ramp	3867	1995

\*This column represents the cumulative number of peak hour external trips for the Combined Projects\* before the need of the identified improvements for Phase I Land Uses as depicted in Tables 2 and 4 of the DRI Development Order for both University Lakes and University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring the listed improvements.

\*\*This column represents the due date (December 31 of the year in question) by which the identified improvement is required to be constructed or the subject of a Funding Commitment\*.

A. (2) The improvements listed in Tables A & B include a critical link and intersection improvements for the development of Phase I of the Project\*.

In the event that Funding Commitments\* for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development, the capacity and loading of transportation facilities in the, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases for the Combined Projects\* have been identified in Tables A and B together with subphase time frames that were used in the subphase study. An initial subphase of 2,129 external p.m. peak hour trips for the Combined Projects\* has been identified as requiring no transportation improvements. The Developer\* shall, at the time of each application for Final Site Plan approval, furnish to the County\* an accurate, up to date report of the amount of development, defined in terms of external p.m. peak hour trips, which has previously been permitted in the Combined Projects\*. The Developer\* shall not be entitled to a Final Site Plan approval which would result in the cumulative number of external p.m. peak hour trips for the Combined Projects\* to exceed the applicable subphase threshold unless Funding Commitments\* have been obtained for improvements required for such subphase.

In the event that the total external p.m. peak hour trips projected to be generated by the Combined Projects\* has not exceeded the levels described in Tables A and B by the expiration of the Annual Report Years listed in Tables A and B for the appropriate uncommitted improvement, no further Final Site Plan approvals shall be granted unless the Developer\* using the notice of change procedure has prepared an analysis which identifies the revised dates by which said improvement would be required under the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels and dates.

The Developer\* shall be bound by the subphase thresholds and schedules set forth in Tables A and B, unless the Developer\* files a notice of proposed change and provides the County\*, pursuant to the notice of change procedures, an updated subphase traffic analysis for the Transportation Impact Area\* that will result from the completion of construction of all of the previously permitted development in the Combined Projects\* plus that to be generated by the next subphase for which the Developer\* is seeking approval, and such proposed change is approved. Copies of such notice of proposed change for revised subphase transportation analysis shall be submitted to Sarasota County, TBRPC and SWFRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Tables A and B) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table A and B at the appropriate Level of Service. In the event that the new analysis demonstrates the need for alternate improvements or different subphase thresholds, the Development Order may be amended to reflect the revised subphases and/or improvements. In addition, at the time of Preliminary Site Plan application for each subphase, the Developer\* shall submit to the County\* a limited traffic study which shows the distribution on the Transportation Impact Area\* of external p.m. peak hour trips for the current subphase plus all previously approved subphases to demonstrate whether any improvements in Tables A and B will be required. Any revised transportation analysis for the Combined Projects\* shall utilize the adopted Sarasota County Level of Service, or that of any agency with jurisdiction, whichever Level of Service is higher, for determining deficiencies on all roads in Sarasota County. If deficiencies exist on said roadways, then Funding Commitments\* to correct such deficiencies shall be required in accordance with this Paragraph A. (2).

- A. (3) The Developer\* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project\*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.
- A. (4) The Developer\* shall provide adequate sidewalks along all streets and roadways throughout the Project\* as required by the Manatee County Land Development Code.
- A. (5) As the Project\* lies within the future Manatee County transit service area, the Developer\* will work with the County\* to coordinate the provision of transit service to the area in conjunction with development of University Lakes.
- A. (6) Within one year of the effective date of this Development Order, an annual monitoring program consisting of peak hour traffic counts at the Project\* entrances shall be instituted to verify that the projected number of external trips for the Project\* are not exceeded. Counts will continue on an annual basis through Project\* buildout, and the information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts for the Project\* by 15 percent or more, Manatee County shall conduct a

Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments.

If a variance greater than that identified above is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

- A.(7) The transportation analysis in the ADA\* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in Tables A and B may reflect a "worst case" scenario, dependent upon future TSM measures.

The Developer\* or its assigns shall prepare and implement a TSM program which will endeavor to divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and be reviewed by the County\*, the MPO and the FDOT.

The TSM program shall be submitted with the first annual report subsequent to the monitoring program in Section A.(6) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and University Place.

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 measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer\* or reviewing agencies to request Development Order amendments which increase the applicable development thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The TSM Program shall seek to further the TSM objectives and Policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

- (a) promote ride sharing by public and private sector employees;
- (b) increase urban area peak hour automobile occupancy rates through expanded ride sharing efforts;
- (c) increase peak hour occupancy rates for transit and other high occupancy vehicles; and
- (d) other appropriate trip diversion measures.

- A.(8) FDOT is currently conducting a study ("FDOT Study") intended to identify the appropriate improvements to the I-75/University Parkway interchange to serve the full buildout of all projects in the vicinity of the Development. With respect to Improvements #3 and #4 in Table B, the Developer\* agrees to reserve sufficient (as determined by the County\* and FDOT) property for right-of-way as approved in the Preliminary Site Plan, for a period through December 31, 1994, to facilitate the construction of loop ramps, or other improvements

identified in the FDOT Study and agreed upon by the County\*, Sarasota County, the MPO, and the Developer\*. If the right-of-way is dedicated by the Developer\* or otherwise acquired by the appropriate governmental agency, then the Developer\* may transfer the impacted land uses to other appropriate areas within the Project\* with approval of a revised General Development Plan.

- A.(9) The Developer\* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. The Developer\* shall further meet the requirements of Section 8. of the DRI Development Order.
- A.(10) The schedules of listed improvements may be adjusted at the Developer's\* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate agencies determine that:
- (a) the Project\* is determined by the County\* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or
  - (b) the appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.
- A.(11) The roadway shown on Revised Map H, which generally is oriented in a north/south alignment and connects to the proposed extension of Upper Manatee River Road, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction.
- A.(12) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.

#### Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region (FRCRPPF\*) have been designated on Revised Map H.
- (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas, as shown on Revised Map H, shall be preserved. No dredging, filling or development activities shall be allowed within Preservation Areas.
  - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised Map H.



- B. (2) Except for wetland restoration/enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised Map H. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results demonstrate that Project\* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.
- B. (3) All impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised Map H, shall be mitigated in accordance with the Manatee County Land Development Code, which requires a mitigation ratio of 4:1 for forested wetlands and a 2:1 ratio for herbaceous wetlands and allows for reductions of these ratios by the Board of County Commissioners in limited circumstances, but in no instance at a ratio of less than 1.15:1.
- B. (4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer\* shall submit a wetland management and mitigation plan for the area to be developed to the County\* and the EAC for approval, and to the TBRPC and the SWFWMD for review prior to any wetland alteration. 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 construction plans for mitigated or significantly enhanced (as determined by the County\*) wetlands.

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

- (a) Identification of existing dry and wet season site conditions;
- (b) Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;
- (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
- (d) Narrative descriptions of any proposed wetland restoration activities and related issues;
- (e) Estimated costs of wetland mitigation/restoration schemes including maintenance and monitoring for appropriate time periods; and
- (f) Mitigation plans shall also include:
  - (1) Area and location of plantings;
  - (2) Species to be planted and spacing;

- (3) Elevations for plantings;
  - (4) Source of plants and/or mulch;
  - (5) Source of wetland soil and depth proposed; and
  - (6) Monitoring and maintenance plans.
- B.(5) Any allowable wetland losses shall require type-for-type (herbaceous or forested) wetland replacement in accordance with stipulation B.(3). Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland/littoral shelf shall meet or exceed an eighty-five percent (85%) planting survival rate for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.
- B.(6) The Developer\* shall provide buffering around all Post-Development Wetlands\* to provide an upland transition into the wetland areas and to protect natural systems from development impact. All such buffers shall be in compliance with the Manatee County Land Development Code.

#### Vegetation and Wildlife

- C.(1) A cumulative assessment of the impacts of the Combined Projects\* on listed plant and animal species has been performed as required by the 380 Review Agreement\*. The Developer\* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised Map H. In addition, Developer\* shall retain large pines (>4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. The specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the FGFWFC for comment. However, as the Developer\* is planning a large wildlife management area on University Place, the Developer\* has prepared (pursuant to the 380 Review Agreement\*) a wildlife management plan as revised June 16, 1992, for the 395 acre Open Use Conservation District within University Place which provides additional protection of any listed species found on University Lakes and University Place. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.

In the event that University Place is not approved by Sarasota County with the 395 acre Open Use Conservation District within one (1) year of the effective date of this Development Order or if such Open Use Conservation District is reduced in size by more than ten (10) acres, then within one (1) year of either such date or action eliminated, the Developer\* shall prepare a wildlife management plan to address the impacts of the Project\* on any listed species found on University Lakes, except for the gopher tortoise. The Florida Game and Fresh Water Fish Commission (FGFWFC) found that a regionally significant population of gopher tortoise does not exist on University Lakes. However, any taking must comply

with FGFWFC rules and the Developer\* must obtain a gopher tortoise incidental take permit from the FGFWFC. If a management plan is prepared, pursuant to this paragraph, the plan shall be submitted to the FGFWFC and the Department of Community Affairs for review and to the County\* for review and approval.

- C.(2) The Developer\* shall provide small wildlife crossings (18" culverts) under roadways at the two locations where the north/south collector roadways intersect with Cooper Creek.
- C.(3) In accordance with applicable law, the Developer\* shall coordinate with the Florida Department of Agriculture and Consumer Services and the EAC for proper relocation of any listed species found on-site in addition to the requirements of C.(1) above.
- C.(4) Representative tracts of all major natural upland vegetative communities (Live Oak, Pine-Mesic Oak, Pine Flatwoods, Temperate Hardwoods), as depicted on revised Map H, shall be set aside in their natural state to serve as conservation areas.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the EAC consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Areas designated as Preservation Areas on Revised Map H shall be protected in perpetuity by conservation easement or other legal instrument approved by County\*.

Land

- D.(1) The Developer\* shall initiate the following procedures to ensure erosion control during development of the Project\*:
  - (a) Sod, seed or plant embankment areas of stormwater detention and/or retention ponds;
  - (b) Sod, seed, mulch or landscape cleared or disturbed areas as soon as possible after clearing and grading;
  - (c) Limit clearing and site work, construction and clearing to areas needed for immediate development;
  - (d) Develop asphalt roads as soon as possible;
  - (e) Initiate landscaping before development work is completed on a site;
  - (f) Construct sediment basins at the start of each drainage system phase;
  - (g) Utilize straw filter barriers and/or filter fabric at discharge points including, but not limited to, temporary discharge points;
  - (h) Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis; and

- (i) Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on Revised Map H.

#### Air Quality

- E.(1) The Developer\* shall, subject to applicable water quality standards, institute the following procedures to ensure dust control during development of the Project\*:
  - (a) Implement a watering program during excavation, and dredge and fill operations;
  - (b) Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
  - (c) Treat disturbed areas after clearing, grading, earth moving or excavation is completed by watering, revegetation, spreading soil binders or compacting fill material until areas are paved or developed;
  - (d) Keep soil stockpiles moist, and/or treat with soil binders or cover;
  - (e) Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
  - (f) Remove dust producing materials as soon as possible.
  - (g) Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
  - (h) Sod, seed, mulch or landscape cleared or disturbed areas, including embankment areas, of stormwater detention and/or retention ponds as soon as possible after clearing and grading;
  - (i) Limit site work and construction to areas needed for immediate development;
  - (j) Develop asphalt roads as soon as possible;
  - (k) Initiate landscaping before development work is completed on-site; and
  - (l) Utilize water spray trucks to control dust generation in heavy construction areas.
- E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phases II, III, and IV. This Development Order\* must be amended prior to granting specific approval to Phases II, III and IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the Combined Projects\*.

#### Water Quality and Drainage

- F.(1) Prior to any site alteration associated with the Project\*, the Master Drainage Plan\* for the Project\* shall be submitted to DER, SWFWMD and EAC for review and to the County\* for approval.

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Chapter 17-25 and 40D-4, F.A.C. The stormwater management system shall be designed to comply

with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment at 150% of the criteria found in Chapter 17-25 and 40D-4, F.A.C. An acceptable method for meeting such standards for the treatment of stormwater runoff for the majority of the site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2 of the ADA.

- F.(2) Best Management Practices\* (BMP) for reducing water quality impacts, as recommended by the County\* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and may include a street cleaning program for parking and roadway areas within the Project\*.
- F.(3) The Developer\* shall be the entity responsible for maintaining the stormwater management system. The maintenance schedule for ensuring proper water quality treatment shall be submitted to TBRPC for review, and to the County\* and EAC for approval, prior to site alteration activities associated with the Project\*.
- F.(4) Stormwater discharge shall not cause the receiving water body to violate the limits defined in the Class appropriate to that water body. Where background conditions in the water body in question do not meet the applicable standards due to natural causes outside the control of the Developer\*, site specific, alternative criteria may be established in conjunction with EAC.
- F.(5) Prior to any site alteration activities associated with the Project\*, the Developer\* shall implement a surface water quality and quantity monitoring program approved by the County\* and EAC. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include provisions for the characterization of pre-construction, baseline water quality and quantity conditions of surface water entering and leaving the site. The surface water monitoring program shall also provide the monitoring of surface water quality during periods of construction. In addition, the surface water monitoring program shall include an ongoing plan for monitoring of post-construction surface water quality. The surface water quality monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements. All water quality sample collections and laboratory analyses shall be made in accordance with USEPA/FDER approved methodology. The laboratory performing the analyses shall be certified by the FDHRS and shall have an approved comprehensive quality assurance plan on file with the FDER. Any violation of federal, state or local water quality standards shall require corrective measures as required by that authority.
- F.(6) Prior to any site alteration activities associated with the Project\*, the Developer\* shall implement a groundwater monitoring program approved by the County\* and EAC. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include appropriate provisions for the characterization of the pre-development baseline water quality and water level conditions of the site's groundwater. The groundwater monitoring program required pursuant to this condition shall include an

identification of well locations, sampling frequency and sampling duration, as well as parameters to be monitored and applicable collection and analytical methods.

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County\* and EAC for review and approval. In addition to the official laboratory results, the report shall include recommendations regarding monitoring during construction and post-construction. Any proposed construction and post-construction monitoring plans developed pursuant to this condition shall be submitted to the County\* and EAC for review and approval.

- F.(7) In the event that an overall watershed monitoring and reporting program is implemented and satisfies the intent of conditions F.(5) and F.(6), these programs may be discontinued upon the recommendation and approval of such by the County\* and EAC. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.
- F.(8) All on-site existing pollutant storage tanks shall be abandoned pursuant to applicable State and County\* rules.
- F.(9) To the extent required by applicable law, any shoreline banks created along on-site stormwater detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, diverse native emergent and submergent vegetation. The Developer\* shall ensure, by supplemental replanting, if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) in accordance with applicable regulations.
- F.(10) The Developer\* shall conduct annual inspections of the environmental swale systems on the Project\* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each Annual Report.
- F.(11) Prior to any site alteration, the Developer\* shall develop and submit for approval by the County\* and EAC an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP).

#### Historical and Archaeological Sites

- G.(1) The discovery of any historical or archaeological resources during development activities of the University Lakes Project\* shall be immediately reported to the Florida Division of Historical Resources (FDHR). If the significance of an archaeological or historical site, discovered during development, is unknown and the site is to be impacted by Project\* activities, additional testing shall be required at the site to determine significance. Disposition of such resources shall be determined in cooperation with the FDHR, TBRPC and Manatee County. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue.

#### Water

- H. (1) The Developer\* shall participate, as required by Manatee County ordinances and consistent with any Developer Agreements, in any necessary expansion of potable water service to each phase or subphase of the Project\* to assure that adequate potable water capacity exists to accommodate the Project\*.
- H. (2) The Developer\* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- H. (3) The Developer\* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing and/or metered water faucets shall be required in all public and commercial restroom facilities.
- H. (4) The Developer\* shall maintain all water lines and fire hydrants not dedicated to the County\*.
- H. (5) The Developer\* shall, to the extent non-potable water is available, use only non-potable water to meet non-potable water demands. For purposes of this Approval, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer\* shall submit an acceptable plan to the County\* and the TBRPC for the use of non-potable water on-site. The plan shall be completed prior to Final Site Plan approval for any phase or subphase and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes, to the extent permitted by law.
- H. (6) Adequate fire flow and water pressure shall be maintained within the Project's\* water supply system.
- H. (7) The Developer\* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area (WUCA) to the extent then in effect.
- H. (8) The Developer\* shall use the lowest quality water supply which meets the needs of the intended use, provided that such sources are economically feasible, practically available, and legally permissible.
- A plan which investigates the use and feasibility of these alternatives shall be prepared by the Developer\* and submitted with the first Annual Report to TBRPC, SWFWMD, the County\* and EAC for review and further action if warranted.
- H. (9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall only be irrigated to the minimum extent required to ensure healthy vegetation.

**Wastewater**

- I.(1) The Developer\* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of wastewater service to and consistent with any Developer Agreements for each phase or subphase of the Project\* to assure that adequate wastewater capacity exists to accommodate the Project\*.
- I.(2) No additional permanent septic system shall be permitted within the Project\*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County\* regulations.
- I.(4) The Developer\* shall submit to the County\*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer\*. This plan must be approved by the County\* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results and repairs must be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 91-39).
- I.(6) The Developer\* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

**Solid Waste**

- J.(1) Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals\* for any non-residential land use within the Project\*, whichever occurs later, the Developer\* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed by the DER and the TBRPC, approved by the County\* and the EAC, and then distributed by the Developer\* to non-residential land users within the Project\*.

At a minimum, the plan shall:

- (a) Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
- (b) Provide a list of agencies which can be consulted regarding the types, sources and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
- (c) Provide a list of agencies which can describe generally improper disposal methods;
- (d) Provide a list of agencies which can describe generally appropriate disposal methods;



- (e) Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
  - (f) Describe a program to inform owners and tenants of the information contained in the plan;
  - (g) Provide a list of agencies which can describe construction requirements for hazardous waste holding areas;
  - (h) Provide a list of agencies which can describe typical spill clean up methods; and
  - (i) Be updated and distributed to each non-residential land user annually.
- J. (2) All Project\* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
- J. (3) The Developer\* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of solid waste service to each phase or subphase of the Project\* to assure that adequate solid waste capacity exists to accommodate the Project\*.
- J. (4) Surface impoundments of hazardous materials and hazardous wastes, land treatment of hazardous materials and hazardous wastes, landfills, and underground storage of hazardous materials and hazardous wastes shall be prohibited.
- J. (5) Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall be encouraged to develop permittable temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.

#### Recreation and Open Space

- K. (1) The Project\* shall contain, at a minimum, 344.2 acres of open space (approximately 309.6 acres of wetlands and 34.6 acres of mitigation) in addition to approximately 422.5 acres of property committed to recreation (32.5 acres of park, a 7.3 acre recreation center, a 222.3 acre golf course and approximately a 160.4 acre lake).

Notwithstanding the above, if the County\* should decide the 32.5 acres of park is not needed, then the Developer\* shall be able to use the applicable parcel for residential development or as a school site, provided the number of dwelling units for the Project\* is not increased.

- K. (2) All recreation and open space areas not deeded to the County\* or other state agencies shall be maintained as common open space through deed restrictions and/or owned by a property owners' association for the Project\* or neighborhood within the Project\*, as may be appropriate in accordance with the Land Development Code.

- K.(3) Except as described in K.(1) above, all recreation, park and wetland sites, as shown on Revised Map H of the ADA\*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- K.(4) The Project's\* public parks and public recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged and may be subject to a reasonable agreement between the County\* and the Developer\* limiting the use as a park facility and times of operation.

#### Education

- L.(1) The Development shall dedicate an elementary school site that meets all State and Manatee County new school site requirements prior to the issuance of building permits for residential units, or at the discretion of the School Board, prior to the issuance of Preliminary Site Plan approvals for non-residential Vertical Development\*, if earlier. The school site shall be deemed to be a part of the Phase I approvals for the Project\* and shall be shown on an amendment to the General Development Plan and approved prior to a Preliminary Site Plan Approval for non-residential Vertical Development\*. The dedicated school site shall be a minimum of 18 acres, depending upon the characteristics of the site selected and said site shall be selected from property shown as residential, commercial, or business on Revised Map H, and shall be reflected on a revised General Development Plan. If adjacent property is provided as a public park or for emergency services, this acreage may be reduced to a total of fifteen acres.
- L.(2) If the County School Board should decide the school is not required, or the selected location is inappropriate, the Developer\* shall be permitted to exchange sites, to the School Board's satisfaction, and shall be permitted to use the originally selected parcel for residential development, provided the number of dwelling units approved for the Project\* is not increased. Any such exchanges in school sites shall require an amendment to the General Development Plan. If additional recreational opportunities are required, the County\* may require dedication of up to five acres of the designated school site parcel for active recreation.

#### Health Care, Police and Fire

- M.(1) The Developer\* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of emergency service facilities for emergency medical services. The Developer\* may, with the concurrence of the County\*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County\* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County\* and the Developer\*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development\* for Phase I or any subphase thereof. Any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

- M. (2) The Developer\* shall be responsible for contributing a pro rata share of the cost of land acquisition, construction and equipping of fire protection service facilities for fire protection services. The Developer\* may, with the concurrence of the County\*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County\* or payment of impact fees, as applicable. An agreement as to pro rata share, mutually acceptable to the County\* and the Developer\*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development\* for Phase I or any subphase thereof. Any pro rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
- M. (3) The Project\* shall be designed and constructed to meet or exceed specifications of the applicable Fire Code.
- M. (4) The height of buildings allowed in the Project\* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- M. (5) Prior to approval of each Final Site Plan, the Developer\* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer\* shall provide calculations by a Florida registered engineer to the County\* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Southern Manatee Fire and Rescue District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project\* by the County\*.
- M. (6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project\*. The Developer\* shall participate, in accordance with applicable County\* ordinances and/or Developer Agreements, in any expansion of such services necessary to serve the Project\* or any phase or subphase thereof.

#### Economics

- N. (1) Excess infrastructure capacity constructed by the Developer\* shall be at the Developer's\* risk and shall not vest latter development rights not addressed in this approval.
- N. (2) The Project\* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- N. (3) The development and promotion of a day care system should be encouraged on site and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

**Energy**

- O.(1) Issuance of Development Approvals\* for each phase or subphase shall be dependent upon the ability of electrical and/or gas utilities to meet the energy requirements of the development.
- O.(2) All Project\* tenants, businesses, residents, etc. shall be notified in writing by the Developer\* prior to occupancy that the following energy related practices are encouraged:
- (a) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
  - (b) Obtain energy audits provided by energy companies or other qualified agencies;
  - (c) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
  - (d) Use landscaping and building orientation to reduce heat gain, where feasible, for all Project\* construction;
  - (e) Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
  - (f) Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
  - (g) Institute and utilize recycling programs;
  - (h) Utilize energy efficient packaging and/or recyclable materials;
  - (i) Install total energy systems on large facilities when cost effective; and
  - (j) Elimination of advertising requiring lighting after business hours where feasible.
- O.(3) Incorporation of the energy conservation measures referenced on pages 265 and 266 of the ADA\* shall be required. A progress report on the energy conservation measures shall be included as a part of each Annual Report.

**General Conditions**

- P.(1) Should the Project\* significantly depart from the parameters set forth in this Development Order and the ADA\*, the Project\* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project\* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P.(2) The Developer's\* commitments set forth in the ADA\* shall be honored, except as they may be superseded by specific terms of the Development Order.
- P.(3) Should the Developer\* divest itself of all interest in the Project\* prior to the expiration of the Development Order, the Developer\* shall designate the successor

entity to be responsible for preparation of the Annual Report, subject to approval by the County\*.

P. (4) All Development Approvals\* shall be obtained within twenty (20) years from the date of approval of this Development Order. This Development Order shall expire twenty-five (25) years from the date of approval to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P. (5) A cumulative assessment of the affordable housing needs of the Combined Projects\* for Phase I has been performed as required by the 380 Review Agreement\*. In order to ensure that employees of University Lakes will find adequate housing opportunities reasonably accessible to their places of employment, the Developer\* shall conduct a reanalysis of Phase I development of the Combined Projects\* to determine the availability of adequate housing proximate to, or otherwise reasonably accessible to, the development. This analysis shall be submitted when the Developer\* has been issued building permits for an amount of non-residential development within the Combined Projects\* for which affordable housing units are available. It has been determined that the available supply of affordable housing (945 units) will meet 46.3% of the affordable housing demand created by Phase I of the Combined Projects\*. For the purposes of determining when the Combined Projects\* has created the need for 945 dwelling units, the following demand ratios shall be used to calculate the number of units of available supply utilized by amount and type of development:

Retail	2,411 square feet/unit
Office	1,507 square feet/unit
Manufacturing	3,192 square feet/unit
Warehouse	3,190 square feet/unit
Hotel	6 rooms/unit

Once the Combined Projects\* have created the need for 945 affordable housing units, no further development shall be permitted in University Lakes until the Developer\*, pursuant to the notice of proposed change provisions, has submitted a re-analysis of the affordable housing needs of Phase I of the Combined Projects\* and the Development Order, pursuant to the notice of proposed change provisions, has been amended to incorporate appropriate mitigation measures for affordable housing. This analysis and determination shall be accomplished using a methodology reviewed by TBRPC and approved by the County\*, and the Department of Community Affairs, and shall reassess the affordable housing impacts utilizing actual Combined Projects\* experience where best available data exists. The result of such analysis shall be reviewed by TBRPC and approved by the County\* and the Department of Community Affairs. If such analysis approved by the County\* and the Department of Community Affairs indicates that the development will create need for affordable housing that is not being provided by other residential developments proximate (as defined in the approved methodology) to the development and if such analysis indicates that the development would not further the creation of adequate housing opportunities reasonably accessible to places of employment (as determined by the approved analysis), then the Developer\* shall prepare a Housing Affordability and Implementation Plan (HAIP) and have the HAIP adopted by Manatee County as an amendment to this development order. The adoption of the HAIP as

an amendment to this Development Order shall not be deemed to constitute a substantial deviation pursuant to Chapter 380.06, Florida Statutes. The HAIP shall comply with the goals and standards established by the TBRPC's Comprehensive Regional Policy Plan and the Manatee County Comprehensive Plan in effect as of this Development Order, and all applicable rules established by the state land planning agency at the time of the preparation of the HAIP.

At a minimum, the HAIP shall contain:

1. Specific provisions for the delivery of affordable housing proximate to the Combined Projects\* to meet the demands created by the Combined Projects\*. In addition, the HAIP may contain specific provisions for off-site housing in lieu of on-site housing if on-site housing is not permitted or is impractical;
2. Specific mechanisms for HAIP implementation;
3. Provisions to ensure continued adequacy of units; and
4. Monitoring provisions.

In addition, the HAIP may contain specific provisions for the contribution of monies to an Affordable Housing Trust Fund that shall be administered by the appropriate County\* agency. The method of determining the proportionate share of monies which may be required to be contributed, based upon the actual impacts of the development, shall be determined during the methodology meetings for preparation of the HAIP;

Specific approval of Phases II, III and IV is conditioned on further Section 380.06(6), Florida Statutes, (submittal of a substantial deviation application for development approval) review on affordable housing, as well as the other specific issues listed elsewhere in this Development Order. The Developer\* shall conduct an affordable housing study based on a methodology agreed to pursuant to said review. If the study indicates that the additional development for which the Developer\* is requesting approval will create the need for affordable housing that is not being provided within the Project\* or within an area proximate (as determined by the approved methodology) to the Combined Projects\*, the Development Order shall be amended to include appropriate mitigation. The affordable housing needs of the Combined Projects\* shall be mitigated using those measures that are in effect at the time specific approval of a later phase is requested.

Payments made by the Applicant under the provisions of law may be credited against any contributions which may be required under the provisions of the HAIP or subsequent housing analyses, if requested by the Developer\* and approved by the County\*.

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

P.(7) The Developer\* shall make appropriate efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security and safety precautions, and evacuation plans.

- P.(8) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19) (a), Florida Statutes.
- P.(9) The Developer\*, its successors, assigns and/or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes to the County\* and the TBRPC, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer\* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representations contained in the ADA\*, or in the phasing or land uses for the reporting year and for the next year;
  - b. A summary comparison of development activity proposed and actually conducted for the year;
  - c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer\*;
  - d. Identification and intended use of lands purchased, leased or optioned by the Developer\* adjacent to the original DRI site since the Development Order was issued;
  - e. An assessment of the Developer's\* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval\* and which have been identified by the County\*, the TBRPC or the DCA, 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 Project\* since the Development Order was issued;
  - h. A list of significant local, state and federal permits which have been obtained or which are

pending by agency, type of permit, permit number and purpose of each;

- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer\* pursuant to Subsection 380.06(15)(f), Florida Statutes;
- j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- l. Reports and/or information pursuant to conditions A.(6) and A.(7).

P.(10) All proposed modifications to University Lakes will be reviewed based on the Combined Projects\* to determine whether the proposed modification will exceed any of the criteria set forth in Chapter 380.06(19), Florida Statutes.

In the event the University Place Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer\* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the University Place Development Order. A notification of proposed change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as described above, to make it consistent with the University Place Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the University Place Development Order or any settlement of an appeal of the University Place Development Order amendment, then the DCA and TBRC shall not appeal the amendment.

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of the Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

P.(11) Unless otherwise expressly stated in this Ordinance or the Development Order of the DRI, the Project\* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.



- P.(12) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs or TBRPC, the Developer\* shall pay all reasonable costs and fees of County\* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee schedule. Payment of all billings by the Developer\* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.
- P.(13) Wherever in this Development Order or the University Lakes DRI Development Order the Developer is required to file a Notice of Proposed Change, the Developer shall send a copy of said Notice to Sarasota County and SWFRPC with said Notice.

**Land Conditions**

Q.(1) The setbacks and height for land uses shall be as follows:

USES	HEIGHT***MAXIMUM	FRONT	SIDE	REAR
Single Family Detached	35 ft.	20 ft.	8 ft.	20 ft.
Single Family Semi-Detached	35 ft.	20 ft.	8 ft.	20 ft.
Zero Lot Line	35 ft.	20 ft.	0 ft./10 ft.**	20 ft.
Single Family Attached	35 ft.	20 ft.	0 ft./10 ft.**	20 ft.
Duplex	35 ft.	20 ft.	8 ft.	20 ft.
Multi-Family	4 stories	20 ft.	10 ft.	25 ft.
Commercial	35 ft.	40 ft.	15 ft.	20 ft.
Office/Hotel	10 stories	40 ft.	15 ft.	20 ft.
Business	6 stories	30 ft.	15 ft.	20 ft.
School, Park Recreation Center	35 ft.	25 ft.	15 ft.	15 ft.

\* End units must meet a 10 foot side yard setback

\*\* Applies to one side

\*\*\* In instances where structures are proposed adjacent to I-75, for each 1 foot of height over 35 feet, the setback from the I-75 right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project\* boundary on sites which are adjacent to off-site residential zoning or uses shall be limited to four stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six stories.

- Q.(2) Buildings in said Project\* which are adjacent to Interstate 75 and/or University Parkway shall be finished so that the facades which face said roads are either the front facades or finished in the same materials as the front facades.
- Q.(3) Dumpsters and/or compactors to be used for the temporary storage of solid waste shall not be located in front of any buildings, and these units shall meet all minimum setback requirements. These units shall be screened from view of any collector or arterial roadway. Specific locational approval for these units is required during Preliminary and Final Site Plan review.
- Q.(4) Access to and from the site shall be in accordance with state and local access regulations and with the number and general location as shown on Attachment #1.
- Q.(5) A pre-design conference between the Developer\* and County\* staff shall be held prior to submittal of Construction Drawings for the Project\* to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- Q.(6) The Developer\* shall submit a Master Plan for potable water, wastewater, and fire protection prior to construction plan submittal. The Developer\* shall also be responsible for

determining if upgrading of off-site potable water and wastewater facilities is necessary prior to construction plan submittal to provide adequate potable water, sanitary sewer or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project\* and the Developer\* shall participate in such oversizing in accordance with applicable County\* ordinances or policies.

- Q.(7) The Developer\* will investigate appropriate recycling efforts both during and after construction.
- Q.(8) It is strongly suggested that the Developer\* investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's\* needs for landscaping and cover material during construction.
- Q.(9) The commercially designated sites adjacent to Upper Manatee River Road and Lorraine Road shall not be developed in excess of .23 floor area ratio or 150,000 square feet, whichever is less.
- Q.(10) Prior to the development of any commercial land uses on Upper Manatee River Road and Lorraine Road, the Developer\* shall dedicate the necessary right-of-way and construct and complete the referenced roadways providing a continuous connection between University Parkway and State Road 70.
- Q.(11) The minimum size for any dwelling unit within the Project\* shall be six hundred (600) square feet unless this provision is waived by the Board for purposes of affordable housing, at time of preliminary plan approval.
- Q.(12) No adult entertainment establishments shall be permitted within this Project\*.
- Q.(13) The land uses approved on this site are limited as described on the General Development Plan.
- Q.(14) Individual driveways for individual residences shall not be allowed direct access to the major internal roadway as shown on the General Development Plan and reverse frontage lots shall be required adjacent to said roadways.
- Q.(15) The Developer\* shall dedicate or make available for public use at the option of the County\*, a minimum of 14.5 acres of the designated parks (as shown on the General Development Plan). These parks must be available in conformance with Level of Service requirements but in no event shall this be postponed later than completion of Phase II.
- Q.(16) The Development\* consists of the area and land uses described in Table C and the area and land uses by phase as described in Table D. Phase I of the Development\* is approved subject to the conditions found within this Development Order and Phases II, III and IV are conceptually approved, however, further Section 380.06, Florida Statutes review will be required for transportation and air quality impacts in Phases II, III and IV, and Certificates of Level of Service must be obtained for Phases II, III and IV for land uses and acreage, but shall be limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage and solid waste, as required by the Manatee County Land Development Code.

**TABLE C  
UNIVERSITY LAKES DEVELOPMENT COMPONENTS**

Column A Map H Land Use (Section 380.0651 F.S., Designation)	Column B Number Acres*****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential (Residential)	863.9	n/a	3,137	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial* (Retail)	122.2	1,240,000	n/a	
Neighborhood Commercial** (Retail)	43.0	381,000	n/a	Land area increased by 6 acres <u>or</u> increase by 50,000 s.f. of gross floor area, <u>or</u> the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
General Commercial*** (Retail)	23.8 (16.8)	400,000 (150,000)	n/a n/a	
(Hotel and Motel)	7.0	(250,000/ 300 Rooms)	n/a n/a	75 Rooms
Business (Office)	146.1 (73.0)	1,968,000 (787,200)	n/a	Land area increased by the greater of 5% or 6 acres, whichever is greater, <u>or</u> gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
(Industrial)	(73.1)	(1,180,800)	n/a	
Right of Way	181.3			
Recreation	262.7			
Wetlands/Mitigation	346.8			
Lakes****	177.2			
Open Space	185.7			
<b>Total</b>	<b>2,352.7</b>	<b>3,989,000</b>	<b>3,137</b>	

- \* Acreage and square footage are referred to as Regional Commercial in the ADA\*.
- \*\* Acreage and square footage are referred to as Community Commercial in the ADA\*.
- \*\*\* Acreage and square footage are referred to as Highway Commercial in the ADA\*.
- \*\*\*\* Additional lakes will be constructed within the Project\* as required by the stormwater management system.
- \*\*\*\*\* Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on revised Map H.

**TABLE D  
UNIVERSITY LAKES PHASING SCHEDULE**

Map H. Land Use Designation (Section 380,0651, F.S., Designation)	Phase I 1992-97	Phase II 1998-2002	Phase III 2003-2007	Phase IV 2008-2012	Total
<b>Residential Dwelling Units</b>					
Single Family	746	448	669	330	2,193
Single Family Attached	243	94	111	29	477
Multi-Family	204	263	0	0	467
<b>Total (Residential)</b>	<b>1,196</b>	<b>805</b>	<b>780</b>	<b>359</b>	<b>3,137</b>
<b>General Commercial*</b>	<b>436,000</b>	<b>804,000</b>	<b>0</b>	<b>0</b>	<b>1,240,000</b>
(Retail)					
<b>Neighborhood Commercial**</b>	<b>87,000</b>	<b>135,885</b>	<b>0</b>	<b>158,115</b>	<b>381,000</b>
(Retail)					
<b>Business</b>	<b>483,000</b>	<b>521,520</b>	<b>404,180</b>	<b>559,300</b>	<b>1,968,000</b>
(Office)	(193,200)	(208,608)	(161,672)	(223,720)	(787,200)
(Industrial)	(289,800)	(312,912)	(242,508)	(335,580)	(1,180,800)
<b>General Commercial***</b>	<b>250,000</b>	<b>150,000</b>	<b>0</b>	<b>0</b>	<b>400,000</b>
(Retail)	(0)	(150,000)	0	0	(150,000)
(Hotel and Motel)	(250,000/ 300 Rooms)	(0)	0	0	(250,000/ 300 Rooms)
<b>Recreational Facilities****</b>	<b>Tennis &amp; Boat Club, Park +</b>	<b>Golf Course &amp; Park</b>			

- \* Acreage and square footage are referred to as Regional Commercial in the ADA\*.
- \*\* Acreage and square footage are referred to as Community Commercial in the ADA\*.
- \*\*\* Acreage and square footage are referred to as Highway Commercial in the ADA\*.
- \*\*\*\* Phasing of recreational facilities may be accelerated in accordance with the provisions of Sections 4.B., C. and E. of the DRI Development Order (Ordinance 93-25).
- + The Boat Club shall be located on the 160± acre manmade lake and shall contain facilities for launching and dockage for wet storage of not more than 20 watercraft and dry storage for not more than 30 watercraft. Small craft not commonly moored, such as sailboards, canoes, paddle boats and similar non-motorized craft, and assorted storage facilities for such small craft shall not count against this limitation, and such craft may be used on the manmade lake.

Exchanges in approved land uses may be made within the Project\* and/or each phase in accordance with the approved development order for University Lakes DRI (Ordinance 93-25) if said development order allows exchanges in land uses in phases. Any exchanges in land use must comply with the Comprehensive Plan, including the limitations of each Future Land Use Category. Any such exchange shall require an amendment to the General Development Plan and a public hearing by the County\* to determine if the modification is in compliance with the planned development criteria unless the modification is of such type that administrative approval by the Director of Planning, Permitting and Inspections is authorized by the Land Development Code. The amended General Development Plan shall describe the proposed exchange, as well as provide a history of all previous exchanges in addition to any other required information. The Developer\* must also apply for a modification to the Certificate of Level of Service and will be granted approval, only if and when capacity is available.

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/WP-E (General Agriculture, 1 du/5 acres/Evers Reservoir Watershed Protection Overlay District), A/WP-E/ST (General Agriculture, 1 du/5 acres/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts), A-1/WP-E/ST (Suburban Agriculture, 1 du/acre/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts), and PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

See Attachment 2.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

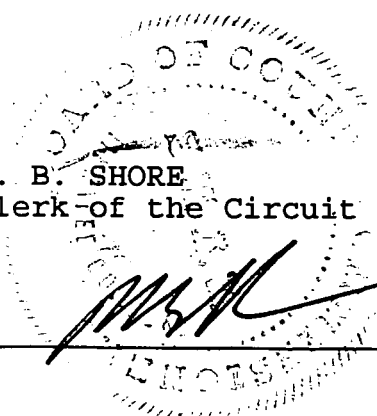
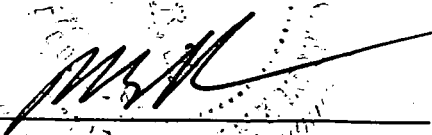
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 27 day of October, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

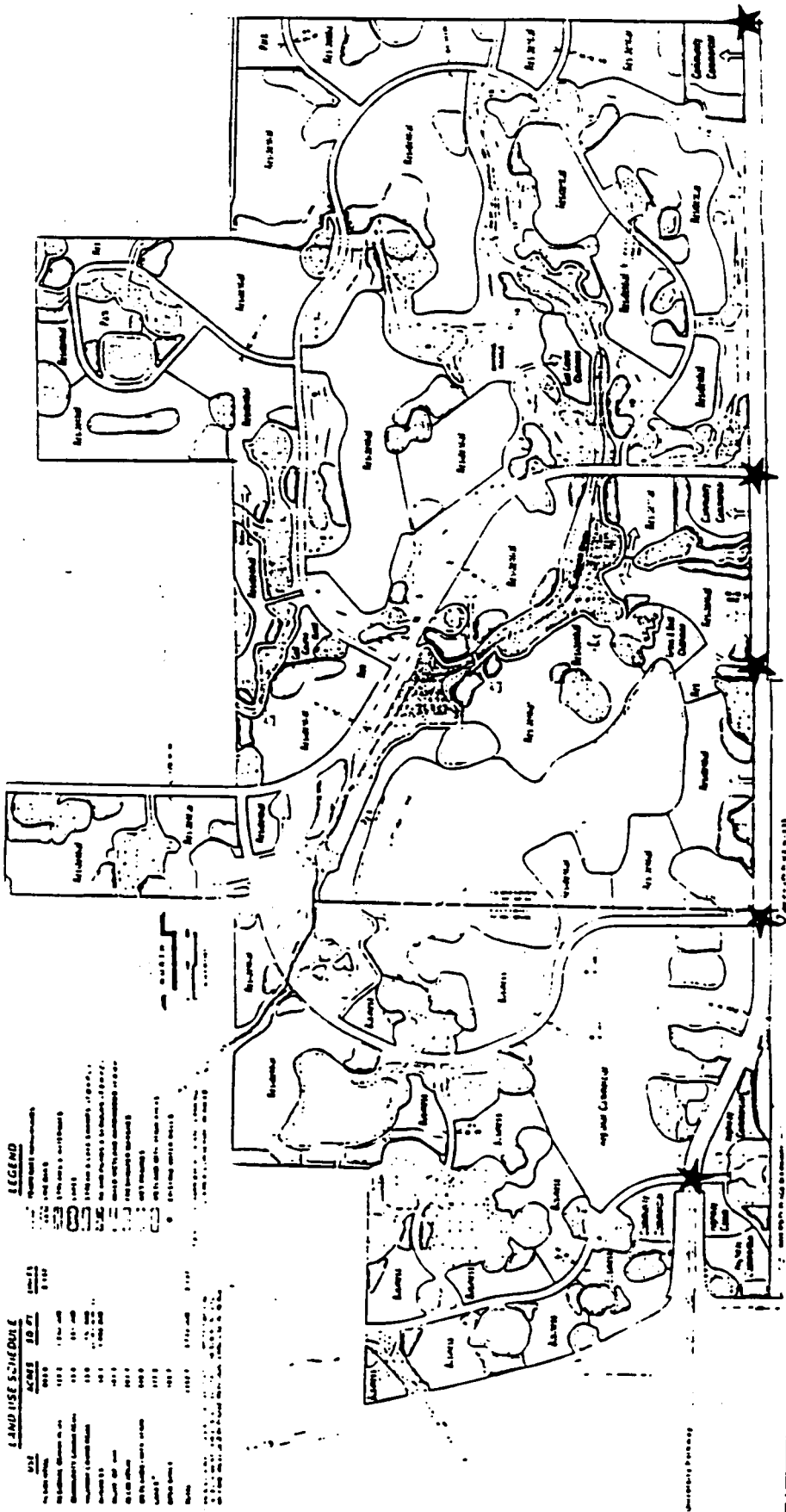
BY: 

Chairman

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



# Approved Access Points = ★



**DESCRIPTION: UNIVERSITY LAKES**

**A TRACT OF LAND SITUATED AND BEING IN SECTIONS 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E. AND SECTION 36, TOWNSHIP 35 S., RANGE 18., MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 28, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 60°22'41" E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2856.67 FT. TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1337.72 FT. TO THE NORTHEAST CORNER OF THE WEST 1/2 OF SAID SOUTHWEST 1/4; THENCE S 00°27'02" W, ALONG THE EAST LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 2858.89 FT. TO THE SOUTHEAST CORNER OF SAID WEST 1/2 OF THE SOUTHWEST 1/4; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 29 (ALSO BEING THE NORTH LINE OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 4003.06 FT. TO THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°40'07" E, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 2238.01 FT.; THENCE S 89°31'24" E, PARALLEL WITH THE NORTH LINE OF SAID SECTION 28 AND 3077.34 FT. SOUTHERLY THEREFROM, A DISTANCE OF 2885.72 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 28; THENCE S 00°48'47" W, ALONG THE EAST LINE OF SAID SECTION 28; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 28 (ALSO BEING THE NORTH LINE OF SECTION 33, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 2862.03 FT. TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S 01°24'24" W, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 6019.29 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 33 (ALSO BEING THE COMMON LINE BETWEEN MANATEE AND SARASOTA COUNTIES), A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 33 (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 32, AND THE COUNTY LINE, A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 32 (SAME BEING THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 31 AND THE COUNTY LINE, A DISTANCE OF 4602.00 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N 00°37'10" E, ALONG THE WEST LINE OF SAID SECTION 31, ALSO BEING THE EASTERLY LIMITED ACCESS R/W OF STATE ROAD NO. 93 (INTERSTATE 75), A DISTANCE OF 615.95 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 67°41'09" E, 216.00 FT.; THENCE RUN NORTHEASTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°57'32", A DISTANCE OF 248.88 FT. TO THE P.T. OF SAID CURVE; THENCE N 88°18'24" E, ALONG THE LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75) - "UNIVERSITY PARKWAY" INTERCHANGE, A DISTANCE OF 628.74 FT.; THENCE S 89°27'41" E, ALONG SAID LIMITED ACCESS INTERCHANGE R/W, A DISTANCE OF 298.75 FT. TO THE EASTERLY END OF SAID LIMITED ACCESS INTERCHANGE R/W; THENCE CONTINUE S 89°25'29" E, ALONG THE SOUTHERLY R/W OF "UNIVERSITY PARKWAY", A DISTANCE OF 133.18 FT.; THENCE N 00°34'14" E, ALONG THE EASTERLY END OF SAID "UNIVERSITY PARKWAY" R/W, A DISTANCE OF 338.00 FT.; THENCE N 89°26'21" W, ALONG THE NORTH LINE OF A 60 FT. WIDE F.D.O.T. SERVICE ROAD R/W, WHICH LIES PARALLEL AND CONTIGUOUS WITH THE NORTHERLY SIDE OF "UNIVERSITY PARKWAY", A DISTANCE OF 608.88 FT.; THENCE N 85°37'30" W, ALONG SAID SERVICE ROAD R/W, A DISTANCE OF 460.63 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 398.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID SERVICE ROAD R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°45'40", A DISTANCE OF 191.87 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE EAST LINE OF SECTION 36, TOWNSHIP 35 S., RANGE 18 E., (THE RANGE LINE); THENCE S 01°15'38" W, ALONG THE COMMON LINE BETWEEN SAID SECTION 31 AND 36 (THE RANGE LINE), SAME BEING THE WESTERLY END OF SAID F.D.O.T. SERVICE ROAD R/W, A DISTANCE OF 68.34 FT. TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93 (I-75), SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 27°43'29" E,**

456.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°29'55", A DISTANCE OF 274.57 FT. TO THE P.T. OF SAID CURVE; THENCE N 27°48'35" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 566.48 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 4488.86 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°57'00", A DISTANCE OF 1014.75 FT. TO THE P.T. OF SAID CURVE; THENCE N 14°49'36" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 899.55 FT.; THENCE N 13°40'48" W, ALONG SAID EASTERLY LIMITED ACCESS R/W, A DISTANCE OF 1018.32 FT.; THENCE S 88°48'12" E, A DISTANCE OF 1389.86 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 38, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (THE RANGE LINE); THENCE S 89°40'28" E, A DISTANCE OF 1438.64 FT.; THENCE N 01°15'38" E, A DISTANCE OF 1532.73 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (SAID POINT LYING S 89°40'28" E, ALONG SAID NORTH LINE, A DISTANCE OF 1438.64 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 31); THENCE S 89°40'28" E, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 3168.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E., AND SECTION 38, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 2352.7 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

THIS DESCRIPTION IS NOT BASED ON AN ACTUAL FIELD SURVEY.

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 11 day of

R. B. SHORE  
Clerk of Circuit Court

By: *[Signature]* D.C.

## DEVELOPMENT REVIEW AGREEMENT

DEPARTMENT OF COMMUNITY AFFAIRS / TAMPA BAY REGIONAL  
PLANNING COUNCIL / SOUTHWEST FLORIDA REGIONAL  
PLANNING COUNCIL / SCHROEDER-MANATEE, INC.  
AGREEMENT

THIS AGREEMENT is entered into this the 6<sup>th</sup> day of Sept, 1991, by and between THE DEPARTMENT OF COMMUNITY AFFAIRS, hereinafter referred to as "DCA", THE TAMPA BAY REGIONAL PLANNING COUNCIL, hereinafter referred to as "TBRPC", THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, hereinafter referred to as "SWFRPC", and SCHROEDER-MANATEE, INC., (owner/developer) a Delaware corporation authorized to do business in the State of Florida, hereinafter referred to as "SMI", subject to all other governmental approvals and solely at the risk of the owner and developer, SMI.

WHEREAS, the DCA is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to Developments of Regional Impact ("DRI"); and

WHEREAS, the TBRPC is the regional planning agency having review authority over developments of regional impacts in Manatee County; and

WHEREAS, the SWFRPC is the regional planning agency having review authority over developments of regional impacts in Sarasota County; and

WHEREAS, pursuant to subsection 380.032(3), Florida Statutes, the parties hereto are authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380; and

WHEREAS, SMI is the owner/developer of a large tract of land lying in both Manatee County and Sarasota County, Florida, which tract is generally depicted on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, no other person or legal entity has any ownership interest in said land including, but not limited to, rights arising out of a contract for sale for any portion of said land; and

WHEREAS, Manatee County is a member county in the Tampa Bay Regional Planning Council while Sarasota County is a member county



in the Southwest Florida Regional Planning Council; and

WHEREAS, SMI maintains that it is currently planning two (2) developments, one of which is located in Manatee County, adjacent to the Sarasota County line to be known as University Lakes, with the second in Sarasota County, adjacent to the Manatee County line to be known as University Place, both of which are generally depicted on Exhibit "A"; and

WHEREAS, each development alone constitutes a Development of Regional Impact subject to Florida Statutes Chapter 380 review; and

WHEREAS, the parties desire to enter into this Agreement to settle any disagreement and uncertainties in the review process as to the issues of aggregation of the two (2) developments or of combining the two (2) developments into one (1) for submittal purposes by agreeing on separate review for each development while assuring that with each development the information relative to certain identified impacts contained in each application for development approval will be reviewed and assessed on a cumulative basis with the impacts of the other development.

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises contained herein, the parties agree as follows:

1. SMI asserts and warrants that all representations and statements concerning the subject development properties made to the DCA, TBRPC and SWFRPC, and contained in this Agreement are true, accurate, and complete. Based upon said representations and statements, the parties hereto conclude that this Agreement is in the best interest of the State, is beneficial to the Department in its role as the state agency with responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes.

2. Provided the data submitted in each Applications for Development Approval (ADA) by SMI and the review process follows the agreement set forth herein, the DCA, TBRPC and SWFRPC agree that SMI may separately submit for review of the projects, each to undergo separate review under Chapter 380, Florida Statutes.

3. The University Lakes ADA shall be submitted to the Tampa Bay Regional Planning Council for review and recommendation and to Manatee County for review and approval. Copies of the ADA shall be submitted to the DCA, SWFRPC, and Sarasota County and other review agencies. The University Place ADA shall be submitted to the Southwest Florida Regional Planning Council for review and recommendation, and to Sarasota County for review and approval. Copies of the ADA shall be submitted to the DCA, TBRPC, Manatee County, and other review agencies. The submittal of copies is not intended to increase the normal review fee payable in connection with the filing and review of the single ORI, but is to facilitate review and comment.

4. In determining the cumulative impacts of each project on traffic, each traffic study shall include the traffic generated by the other project as project traffic instead of as background traffic condition. Each study shall be prepared on a phase-by-phase basis, with subsequent phases including impacts of earlier phases, assuring that all traffic of both projects generated during the applicable phase is included as project traffic and not background traffic. The intent of this paragraph is to insure that the total cumulative traffic impact and impact mitigation is considered with each development.

5. In determining the cumulative impacts of each project on air quality, any required study shall include the development and traffic in the other project. Each study shall be prepared on a phase-by-phase basis, with subsequent phases including impacts of earlier phases, assuring that all development of both projects that may generate impacts on air quality during the applicable phase is included in the study. The intent of this paragraph is to assure that the total cumulative impact on air quality and its mitigation is considered with each development.

6. In determining the availability of affordable housing for each project, each ADA shall cumulatively assess the impacts of both projects with subsequent phases including impacts of earlier phases. The intent of this paragraph is to insure that the total

cumulative impact on affordable housing and its impact mitigation is considered with each development.

7. In determining the cumulative impacts of each project on vegetation and wildlife, each ADA shall cumulatively assess the impacts of both projects on listed plant and animal species. The vegetation and wildlife study will also address the desirability (or lack thereof) of a continuous wildlife corridor between the projects. This study will be appended to both ADAs. The intent of this paragraph is to insure that the total cumulative impact on listed species and its mitigation is considered with each development.

8. DCA agrees not to appeal the Development Order of either development on the grounds of failure to aggregate the two (2) parcels, or on the basis of failing to submit the two (2) developments as one (1) DRI, provided that the conditions of this agreement are complied with.

9. Additionally, nothing in this Agreement shall constitute a waiver by DCA to the right to appeal either Development Order on other appropriate grounds as set forth in Chapter 380 and this Agreement, including the mitigation or assessment of cumulative impacts, set forth herein.

10. In the event either project does not receive approval from the applicable County, or receives a Development Order for only a portion of the request, SMI shall review the impacts of the other development to eliminate or adjust the cumulative assessment and mitigation of the impacts as warranted, and amend the Development Order of the approved development to reflect such changes.

11. For University Lakes, TBRPC shall provide to Manatee County, in its final DRI report, recommendations for addressing the issue of cumulative substantial deviations pursuant to the criteria in Subsection 380.06(19), Florida Statutes. For University Place, SWRPC shall provide to Sarasota County, in its final DRI report, recommendations for addressing the issue of cumulative substantial deviations as defined in Subsection 380.06(19), Florida Statutes.

The issue of cumulative substantial deviations between the two (2) projects shall be addressed in each Development Order for University Lakes and University Place.

12. For purpose of abandonment of a DRI pursuant to Subsection 380.06(26), Florida Statutes, the total amount of development in both projects shall be taken into consideration when determining eligibility to abandon pursuant to the criteria of Subsection 380.06(26), Florida Statutes, and Rule 9J-2.0251(5), Florida Administrative Code.

13. In the event the DCA, TBRPC or SWFRPC determine there is a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, any party may terminate this Agreement or file suit to enforce this Agreement as provided in Section 380.06 and 380.11, Florida Statutes.

14. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. Except as provided herein, it is not intended to determine or influence the authority or decisions of any other state or local government or required by state law or local ordinance for the developments described in this Agreement.

15. The terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, successors and assigns of the parties hereto. SMI shall insure and provide that any party claiming by, through, or under SMI with respect to any of SMI's interest in the lands or parcels affected by this Agreement is bound by the terms of this Agreement.

16. The Agreement shall become effective the date that the last party signs and acknowledges this Agreement.

IN WITNESS WHEREOF, the parties have hereunder set their hands and seals on the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

*[Signature]*  
Ramona Coats

THE DEPARTMENT OF COMMERCE AFFAIRS

By: *[Signature]*  
Its Assistant Secretary

THE TAMPA BAY REGIONAL PLANNING COUNCIL

*[Signature]*  
Shirley Hatter

By: *[Signature]*  
Its Executive Director

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

*[Signature]*  
[Signature]

By: *[Signature]*  
Its Chairman of SWFRPC

SCHROEDER-HANATEE, INC.

*[Signature]*  
Maura Pennington

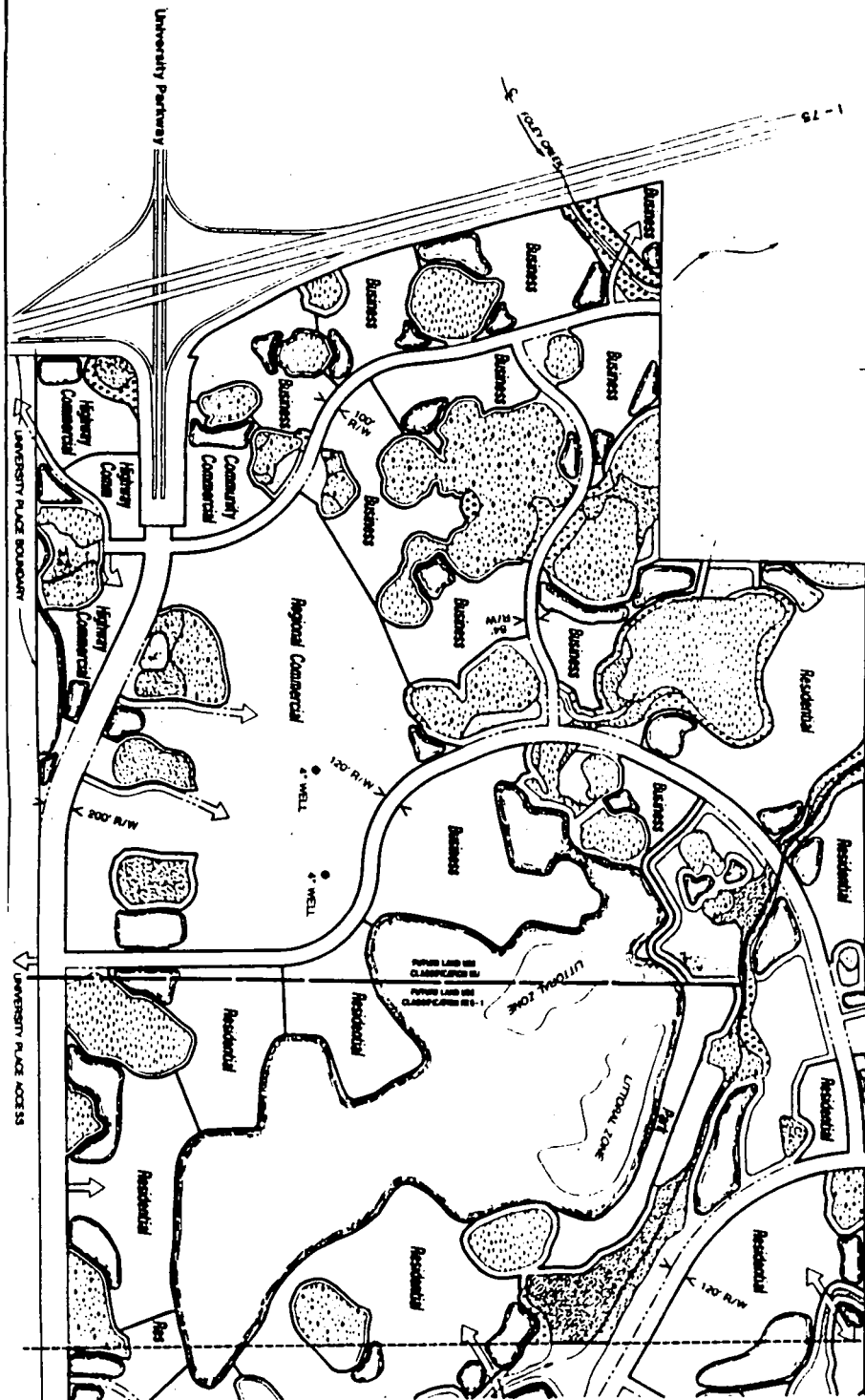
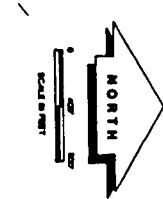
By: *[Signature]*  
Its Vice-President Real Estate

c:\k\dca\m13.jgr  
8/6/91 - 3  
"B"

**LAND USE SCHEDULE**

USE	ACRES	SQ. FT.	UNITS
RESIDENTIAL	843.8	1,240,000	3,137
REGIONAL COMMERCIAL	122.2	1,240,000	
COMMUNITY COMMERCIAL	43.0	281,000	
HIGHWAY COMMERCIAL	23.8	130,000	
BUSINESS	146.1	1,868,000	
RIGHT-OF-WAY	181.3		
RECREATION	262.7		
WETLANDS/INTIGATION	348.8		
LAKE <sup>a</sup>	177.2		
OPEN SPACE	185.7		
TOTAL	2352.1	2,738,000	3,137

- LEGEND**
- TEMPERATE HARDWOODS
  - LIVE OAKS
  - STRIPES & WATERWAYS
  - LAKE
  - STRIPES & LAKE SWAMP (TBRPC)
  - PAVED POND & SLUDGES (TBRPC)
  - MIXED WETLAND HARDWOODS (TBRPC)
  - FRESHWATER MARSHES
  - WET PRAIRIES
  - WETLAND INTIGATION AREAS
  - EXISTING WATER WELLS
- (TBRPC) = TAMPA BAY REGIONAL PLANNING COUNCIL CONSERVATION AREAS



**CONSULTANT TEAM**

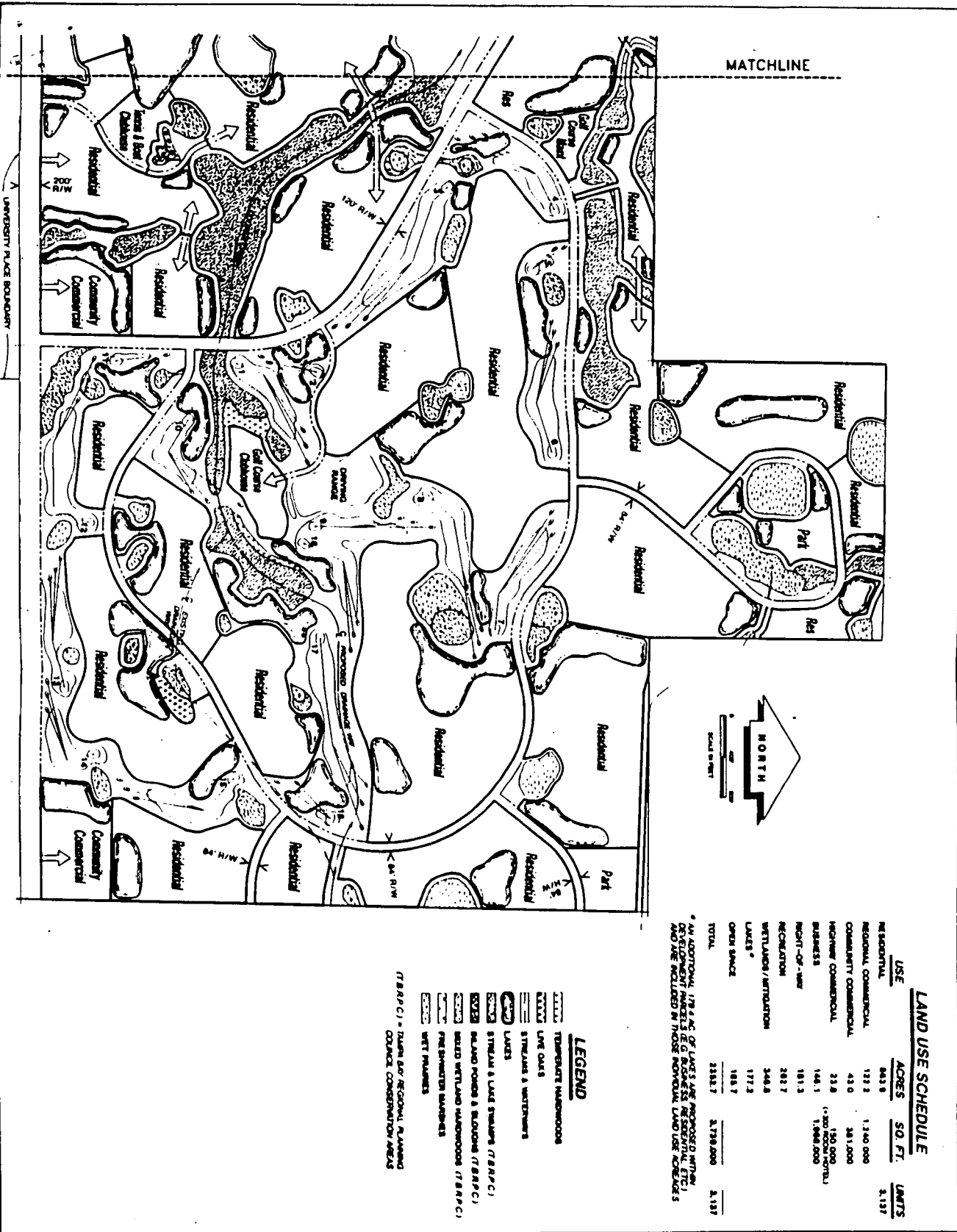
Lombardo & Skipper, Inc.  
 8 HOBBS & HENDRICKS PLAZA, SUITE 1100  
 CONSERVATION CONSULTANTS, INC.  
 2000 W. 10TH AVENUE  
 DAME & MOORE  
 PLANNING & TRANSPORTATION  
 GRIMES, GOEBEL, GRIMES & HEWITSON  
 P.C.A.  
 M. JOEL CARLSON  
 ECONOMIST

LOMBARDO & SKIPPER, INC.

**MASTER DEVELOPMENT PLAN**  
 DEVELOPMENT OF REGIONAL IMPACT  
**University Lakes**  
 A PLANNED DEVELOPMENT

**MAP H**

DATE: 11/19/83  
 SHEET: 1 OF 1



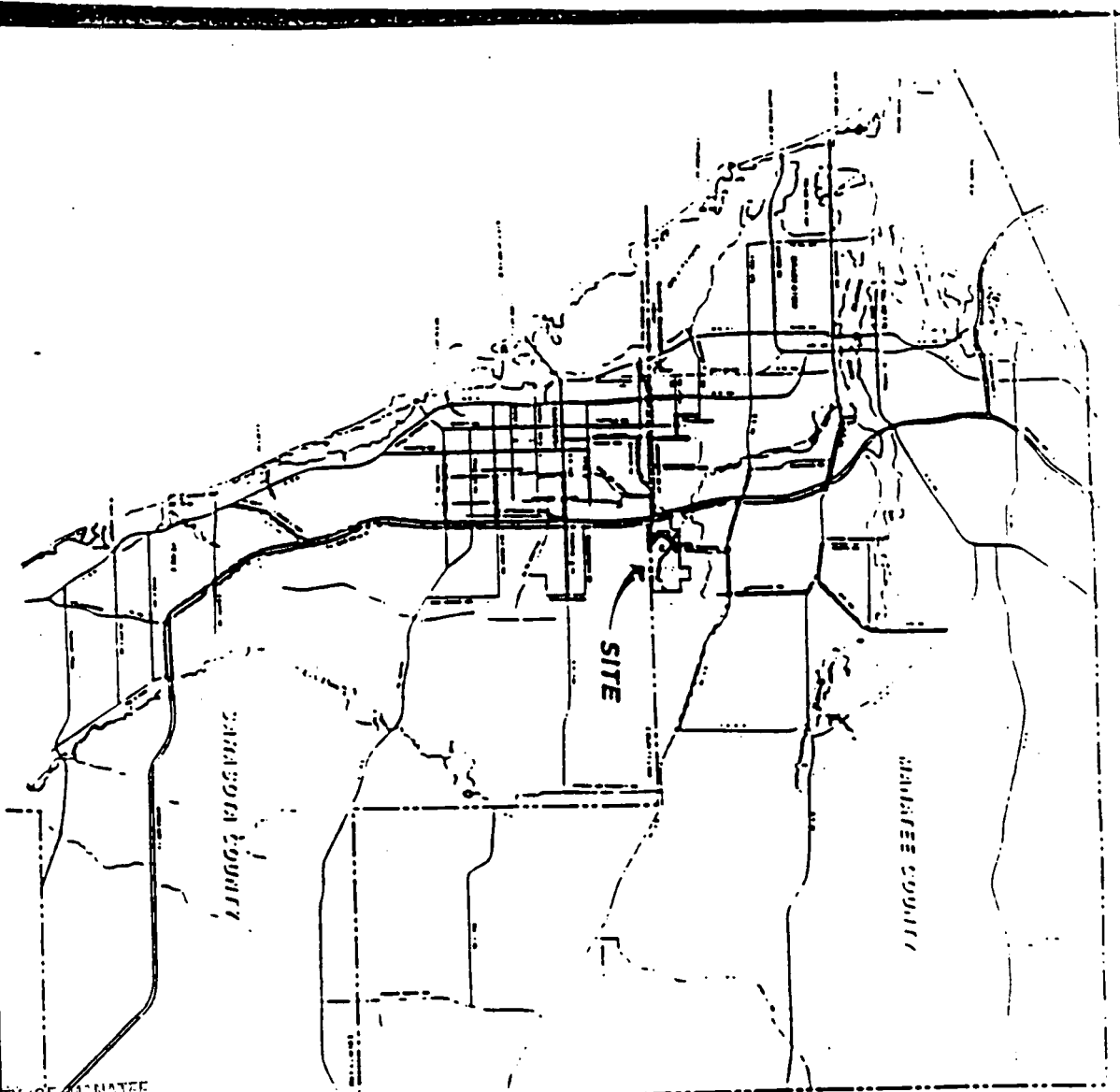
**MAP H**

Scale: 1" = 100'

DATE: FEB. 11, 1981

**MASTER DEVELOPMENT PLAN**  
 DEVELOPMENT OF REGIONAL IMPACT  
**University Lakes**  
 A PLANNED DEVELOPMENT  
 By Schroeder-Messner, Inc.

**CONSULTANT TEAM**  
 Lombardo & Skipper, Inc.  
 ENGINEERING & PUBLIC WORKS  
 Conservation Consultants, Inc.  
 ENVIRONMENTAL  
 Demee & Moore  
 PLANNING & TRANSPORTATION  
 Grimes, Goebel, Grimes & Hawkins  
 LANDSCAPE ARCHITECTURE  
 H. Joel Carlson  
 ECONOMIST  
**LOMBARDO & SKIPPER, INC.**



STATE OF FLORIDA COUNTY OF MANIFEE  
 I hereby certify that the foregoing is a true  
 copy of ORDINANCE NO. 92-94 accepted by the  
 Board of County Commissioners of said County on  
 the 25th day of October, 1992, this 2nd day  
 of November, 1992 in Bradenton, Florida.

R. B. Shore  
 Clerk of Circuit Court  
 By: *[Signature]*

**LEGEND**

- Proposed Right of Way
- Existing Right of Way
- Proposed Street
- Existing Street

**SCALE**

1" = 100'

<p><b>MAP</b> <b>J</b></p>	<p><b>TRANSPORTATION NETWORK</b>          DEVELOPMENT OF REGIONAL IMPACT</p> <p><b>University Lakes</b>          A PLANNED DEVELOPMENT</p> <p><i>By Schnegger-Monroe Inc</i></p>	<p>CONTRACT NO. 11-00          Landscape &amp; Site Plan          Planning &amp; Design          Construction Consulting, etc.          11-00000000          Dates &amp; Hours          11-00000000          General Contract Terms &amp; Conditions          11-00000000          11-00000000</p> <p><b>LEIBERMAN &amp; SKUTER P.C.</b></p>
--------------------------------	--	--





FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

FILED FOR RECORD  
RECEIVED  
CIRCUIT COURT  
MANATEE COUNTY  
NOV 6 11 14 AM '93

November 5, 1993

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of November 2, 1993 and certified copies of Manatee County Ordinance Numbers 93-25, PDR 91-14(Z)(P), PDC-93-11(Z), and EDMU-92-01(Z)(G)(RI), which were received and filed in this office on November 5, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosures (4)