

**MANATEE COUNTY ZONING ORDINANCE
PDMU-98-08 (G)(R7)
HERITAGE HARBOUR (f.k.a. HERITAGE SOUND)**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING ORDINANCE NO. PDMU-09-08(G)(R6) TO APPROVE CHANGES TO THE GENERAL DEVELOPMENT PLAN AND ORDINANCE AS FOLLOWS: 1) ADD A LAND USE EQUIVALENCY MATRIX (LUEM) APPLICABLE ONLY TO PARCEL 35, 2) ADD COMMERCIAL, MULTI-FAMILY, AND ASSISTED LIVING FACILITY (ALF) AS POTENTIAL USES ON PARCEL 35 (WITHOUT INCREASING DRI ENTITLEMENTS), 3) SHOW A NUMERICAL RANGE OF DWELLING UNITS FOR PARCEL 35, 4) REALIGN PORT HARBOUR PARKWAY EXTENSION THROUGH PARCEL 35 AND CORRESPONDING "UPDATE OF NOTES"; 5) SPECIFY THE AMOUNT AND TYPE OF DEVELOPMENT THAT MAY BE AUTHORIZED ON PARCEL 35, INCLUDING RECREATIONAL AND OPEN SPACE REQUIREMENTS, 6) PROVIDE FLEXIBILITY IN THE SEPARATION BETWEEN MULTI-FAMILY BUILDINGS AND SINGLE-FAMILY DEVELOPMENT PARCELS, 7) CHANGE THE FRONT YARD SETBACK FOR PARCEL 35 FROM 25'/20' TO 20'/15' TO BE CONSISTENT WITH RESIDENTIAL DEVELOPMENT IN THE PROJECT, 8) REMOVE THE REQUIREMENT FOR A 30' BUFFER ALONG THE SOUTHERN BOUNDARY OF PARCEL 35, 9) REMOVE THE REQUIREMENT FOR A NOISE MITIGATION STUDY FOR PARCEL 35, 10) UPDATE WETLAND INFORMATION SHOWN ON GDP AND MODIFY PROVISIONS RELATED TO WETLAND BUFFERS AND IMPACTS FOR PARCEL 35, 11) OTHER MINOR UPDATES, PREVIOUSLY GRANTED LEGISLATIVE EXTENSIONS, TERMINOLOGY CHANGES, AND CORRECTIONS TO REFLECT PREVIOUSLY APPROVED CHANGES AND TO PROVIDE CONSISTENCY WITH OTHER APPROVED DOCUMENTS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. THE HERITAGE HARBOUR DRI IS GENERALLY LOCATED AT THE INTERSECTION OF I-75 AND SR 64, SOUTH OF THE MANATEE RIVER, AND WEST OF UPPER MANATEE RIVER ROAD (2,784.7 ± ACRES).

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-98-08(G)(R6). Ordinance PDMU-98-08(G)(R6) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance.

Section 2. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in Ordinance 14-37, as amended, Section 380.06F.S., the Manatee County Comprehensive Plan or the Manatee County Land Development Code, in that order of precedence

Section 3. FINDINGS OF FACT.

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

- A. The Manatee County Planning Commission held a public hearing, April 14, 2016, has reviewed the request and filed a recommendation with the Board of County Commissioners; and
- B. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission, the Zoning Ordinance, and General Development Plan as it relates to real property described in Section 6 of this Ordinance for a multi-use development.
- C. The Board of County Commissioners held a public hearing on May 5, 2016 regarding said amendment to the Zoning Ordinance and General Development Plan described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.
- D. The proposed amendment to the Heritage Harbour Zoning Ordinance and General Development Plan regarding the property described in Section 6 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), as amended.
- E. The authorized agent for Lennar Homes, LLC. Is Darin McMurray, Vice-President, 700 NW 107th Ave., Ste 400, Miami, FL 33172.
- F. The Owner and Master Developer of the property is Lennar Homes, LLC.
- G. The Owners of Parcels 19 and 20 is LNR Heritage Harbour, LLLP., David Welch, Vice-President, LNR Heritage Harbour, LLLP.
- H. The owners of Parcel 35 are Manatee Land Investors, LLC and Upper Manatee 288, LLC.

Section 4. GENERAL DEVELOPMENT PLAN

- A. The General Development Plan, dated June, 2015, is hereby APPROVED to allow a multi-use development, with the following conditions and modifications, included herein in Section 4.
- B. The previous development order for Heritage Harbour, which was adopted on September 4, 2014, and all subsequent amendments are hereby replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

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

DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

- A(1). This Development Order approval shall constitute approval of the Revised General Development Plan application subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- A(2). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.

A(3). The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, solid waste service, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for the project shall be valid until March 22, 2026. This includes the three year extension authorized pursuant to Paragraph 380.06(19)(c), Florida Statutes and previously authorized legislative extensions pursuant to HB 7207 and F.S. 252.363..

TABLE 1 - Development Totals

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

CATEGORY	ACREAGE ¹	PHASE I ²		PHASE II ²		TOTAL
		2000-2017	2019*	2004-2022	2024*	
Commercial	164.3					
Retail ³			300,000 s.f.	s.f. 488,837s.f.		788,837s.f.
Office ³			103,250 s.f	66,750 s.f.		170,000 s.f.
Hotel ³			150 rooms	150 rooms		300 rooms
ACLF			0	600 beds		600 beds
Residential⁴	1282.6					
Single family detached			1,290 units	980 units		2,270 units
Single family attached/ semi-detached			500 units	640 units		1,140 units
Multi-family			760 units	1,180** units		1,940** units
Total Residential Units			2,550 units	2,450 units		5,000 units
Right of Way	67.9					
Open Space	1250.2					
Golf Course	250		36 holes	9 holes		45 holes
Park	41.2					
Wetlands, Lakes, Passive Recreation	959					
TOTAL	2784.7					

- * November 201st of referenced year for Phase I and Phase II.
- ** This number includes 350 multi-family units approved through LUEM, Exhibit 15 (AD-12-15, dated 11/6/12) which allows for conversion of units, but is not included in total of residential units. Total entitlements for residential units remain 5,000 units."
- 1 Acreage figures subject to adjustment due to final survey and platting, surveyed jurisdictional determinations, permit survey data, etc.
- 2 The Phase I and II buildout dates include the three year extension authorized pursuant to Paragraph 380.06(19)(c), Florida Statutes and legislatively authorized extensions pursuant to HB 7207 and F.S. 252.363.
- 3 Development minimum and maximums for Parcels 19 and 20 shall be per the Land Use Equivalency Matrix (LUEM) included as Exhibit 15.
- 4 Residential units may be exchanged among the types of approved units per the Land Use Equivalency Matrix (LUEM) included as Exhibit 15.
- 5. Part of total project area of 2,784.7.
- 6. Development minimums and maximums shall be per the LUEM included as Exhibit 17.
- 7 Because mitigation has been completed for PH I and PH II, residential entitlements remaining at the end of Phase I may be carried over to Phase II.

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

B. TRANSPORTATION CONDITIONS

B(1). The following roadway and intersection improvements shall be required as part of Phases I and 2. The Developer* shall, at the time of each application for Preliminary Site Plan* approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of net new external p.m. peak hour trips*, identified in the DRI documentation, which has previously been permitted in the Project*. New external p.m. peak hour project trips shall be based on the trip rates adjusted for pass-by and internal capture as established by the following "P.M. Peak Hour Project Trip Generation Comparison".

Parcels 19 and 20 P.M. Peak-Hour Project Trip Generation Comparison ⁽³⁾								
Scenario	Gross Trips			Internal Capture	Pass-By	Net, New Trips		
	Enter	Exit	Total			Enter	Exit	Total
Existing ⁽¹⁾	3,889	3,252	7,141	1,428	644	2,853	2,216	5,069
Proposed ⁽²⁾	3,932	3,335	7,267	1,456	666	2,871	2,274	5,145
Difference	43	83	126	28	22	18	58	76

Source: (1) ITE's, *Trip Generation* (6th Edition)
 (2) ITE's, *Trip Generation* (8th Edition)
 (3) Traffic Impact Statement dated 12/17/09 by Kimley-Horn, Table 1 on page 2

The Developer* shall not be entitled to a Preliminary Site Plan* approval which would result in the cumulative number of net new external p.m. peak hour trips for the Project* to exceed the applicable net external p.m. peak hour project trip* thresholds set forth in Table 2 unless Funding Commitments* from Responsible Entities* have been obtained to ensure that the improvements required are in place Concurrent* with such Preliminary Site Plan. **[Required Improvements have been mitigated through the approval of LDA-08-08 as amended and restated by LDA-08-08(R), hereinafter referred to as the “LDA”.]**

**TABLE 2
Required Improvements**

Intersection	Required Improvement	Impact Fee Creditable	When Required
a. I-75 West-ramps/SR-64	Signalize when warranted (completed)	No	Notes 1&4
b. I-75 East-ramps/SR-64	(1) Signalize when warranted (2) Reconfigure northbound off-ramp and provide a second right turn lane. (all improvements completed)	No Yes	Notes 1&4
c. SR-64 and Lena Road	(1) Signalize when warranted (2) Eastbound left-turn lane (3) Westbound right-turn Jane (4) Southbound exclusive left-turn lane (5) Southbound shared through/right-turn lane (All improvements completed)	No No No No No	Notes 1&4
d. SR-64/Kay Road	(1) Retrofit the existing Southbound approach (N. Leg) of Kay Road (local Improvement). (2) Extend the Eastbound left-turn lane to 520 feet. (3) Westbound right-turn lane (length 300 feet) (Local Improvement) (4) Signalize when warranted (5) Southbound right-turn lane (local improvement) (All improvements completed)	Note 2 Yes Note 2 No Note 2	Notes 2&4
e. Grand Harbour PkwayfSR-64	(1) Dual Eastbound left-turn lanes (completed) (2) Westbound right-turn lane (completed) (3) Exclusive Southbound right-turn lane (completed) (4) Exclusive Southbound left-turn lane (completed) (5) Signalize when warranted (completed) (6) Westbound left-turn lane (completed)	No No No No No Yes	Notes 1&4

f. River Heritage Blvd/SR-B4	(1) Directional Eastbound left-turn lanes (completed)	No	Notes 1&4
	(2) Westbound right-turn lane (completed)	No	
	(3) Exclusive Southbound right-turn lane (completed)	No	
	(4) Signalized when warranted	No	
g. SR/64/Lakewood Ranch Blvd/Upper Manatee River Rd.	(1) Northbound left-turn lane (completed) (2) Southbound right-turn lane (local improvement) (completed)	Yes	Notes 3&4
h. SR70/I-75 ramps	(1) Signalize when warranted(local improvement) (completed)	No	
i. I-75 & SR 64 interchange	Contribute \$190,000 for construction costs (completed)	No	

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

All improvements on state roads are subject to FDOT approval.

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

Note 2: The existing south approach (north leg) of Kay Road shall be relocated further west to form a typical four-legged intersection with the existing T-intersection at 60th Street Court East (completed). Right-of-way, design, and required permits shall be provided by the County* (completed). The Developer* shall only be responsible for funding and implementing the construction of the improvement and the County*shall reimburse the Developer* for all costs associated with construction of the Local Improvement portions of this improvement. Should Manatee County fail to obtain the required right-of-way and the appropriate permits and complete the design, prior to the commencement of

Phase II, the Developer* shall not be prevented from continuing development, provided that when the County does obtain right-of-way and permits and complete design, the Developer* begins construction of this improvement within 6 months. This intersection Improvement (regional improvements 2 and 4) shall be eligible to receive transportation impact fee credits. All local improvements (1, 3, and 5) shall be subject to the Reimbursement Agreement between the County* and the Developer*.

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

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

B(2). When Certificates of Occupancy have been issued for 4,500 residential units, or the equivalent thereof in terms of net new external p.m. peak hour project trips, a biennial monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for the Project* are not exceeded. Counts shall continue on an biennial basis through buildout. This information shall be supplied in the required Biennial Report for the Development Order. If the Biennial Report indicates the total trips exceed projected counts by more than 15%, Manatee County shall conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and may amend the Development Order to change or require additional roadway improvements. If a Biennial Report is not submitted within thirty (30) days of its due date, Manatee County may conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. Such a variance shall be presumed to be a substantial deviation unless the developer rebuts this presumption by clear and convincing evidence. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. [Transportation mitigation has been completed for the approved development for both Phase I and Phase II through build-out. Therefore, monitoring is no longer required.]

B(3). When Certificates of Occupancy have been issued for 2,000 residential units or the equivalent thereof, in terms of trip generation, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC. [The provisions of this Section B(3) have been supplanted by the LDA.]

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

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

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

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

OBJECTIVES:

- Increase urban peak automobile occupancy rates by 10% by 2015 through expanded ride sharing efforts.
- Increase peak hour occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2015.

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

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

For that portion of Port Harbour Parkway, planned through Parcel 35 the Developer* shall dedicate the necessary remaining right-of-way to achieve a total width of 105 feet for the eastern most 500 foot segment and 100 feet for the remaining segment, prior to the first Final Plat approval in Parcel 35. [The provisions of this Section B(5) have been supplanted by the LDA.]

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

B(6). The developer shall provide easement(s) to Manatee County to allow for attenuation and treatment of all stormwater from the planned build-out conditions (6-lane thoroughfare roadway with intersection improvements and sidewalks) for half of Upper Manatee River Road. A Drainage, Maintenance, and Access Easement shall also be provided to Manatee County for conveyance of stormwater from Upper Manatee River Road to the stormwater pond. The Drainage-Maintenance Access Easement shall be on clear and level ground and free of

obstructions, including any landscaping in addition to the roadway buffer. Manatee County shall be responsible for the construction of the drainage conveyance improvements, the restoration of the roadway buffer and the maintenance of the free flow of the drainage conveyance. The pond within the stormwater easement shall not be a bonded improvement. Prior to Final Plat approval for the first plat abutting Upper Manatee River Road, the easements shall be approved by the Property Management Department and recorded in the Public Records and the developer shall submit to the Public Works Department the SWFWMD approval letter demonstrating that the approved stormwater pond has been designed with the capacity to accommodate the drainage for the build-out of Port Harbour Parkway as described above. Completion of the above improvements by Manatee County shall not require any further authorization from the developer or Home Owners Association. [The provisions of this Section B(6) have been supplanted by the LDA.]

B(7). The original development order provided for construction of a frontage/access road to the Timberlane RV Park. In lieu of this frontage/access road the developer shall provide the following alternative:

1. Once S.R. 64 construction begins, the contractor shall maintain safe access to Timberlane RV Park pursuant to FDOT rules. Once the right turn lane set forth in #1 below is constructed, the right turn deceleration lane shall be maintained during construction, while the existing SR 64 pavement is being utilized for traffic.
2. The alternative access through Heritage Harbour will be as indicated on Map A, entitled Timberlane Access.
3. Alternative access through Heritage Harbour shall be facilitated with signage agreed to by Lennar Homes, LLC and Timberlane, in conformance to FDOT and Manatee County sign regulations. (Note: Guidance signs will not be permitted on FDOT R.O.W.)
4. Timberlane shall provide a letter to FDOT indicating their satisfaction with alternative proposed. (completed)
5. If this alternative is selected, Lennar Homes, LLC shall be responsible for the costs it has incurred to date associated with the construction of the frontage road. Any legally recognizable costs of the adjacent property owner (Musgrave) which are the result of the County's use of eminent domain shall be the County's responsibility.

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

1. A right-turn deceleration lane with a 12-foot lane for 100-feet and a 200-foot taper shall be in place on SR 64 prior to the opening of the Timberlane RV Park
2. The deceleration lane shall be built according to the appropriate FDOT standards and shall be approved by FDOT and Manatee County.
3. Timberlane shall provide visitors information relative to traffic circulation. [The Developer has complied with the above obligations and the requirements are no longer necessary as State Road 64 construction has been completed]

B(8) In addition to the access shown on the GDP for Parcel 35, an access shall be provided to Upper Manatee River Road. The second street access shall have a minimum separation of 1,300 feet from Port Harbour Parkway and 800 feet from 2nd Avenue East, or an acceptable

alternative, as approved by staff. [The provisions of this Section B(8) have been supplanted by the LDA.]

B(9) The County has identified the construction of Port Harbour Parkway from its current terminus to the Upper Manatee River Road (or the alternative project as identified in #3 below) (“PFSM Project”) as a benefit to a regionally significant transportation facility. Such construction will be in conformance with the provisions set forth below in this Section B(9) and will satisfy the mitigation requirements of Section 163.3180(12) Florida Statutes. [The provisions of this Section B(9) have been satisfied by the LDA.]

a. Developer* will enter into an agreement with the County in which the Developer* will commit:

1. To pay to the County its proportionate fair share mitigation “PFSM” for transportation impacts prior to the Final Site Plan for any residential development in Phase II to assure construction of the PFSM Project. The PFSM has been calculated to be \$2,775,500.00;
2. To dedicate to the County the right of way necessary to complete the construction of Port Harbour Parkway, and for Upper Manatee River Road as depicted on the General Development Plan at the request of the County and to waive impact fee credits for such right of way dedication;
3. To construct Port Harbour Parkway (the PFSM Project), the cost of which has been determined to be in excess of the PFSM, within 5 years of the approval date of this ordinance, utilizing funds from the PFSM payment to the County as well as additional contributions from the Developer; and
4. To post a bond or letter of credit in the amount of the difference between the PFSM and the costs of the construction of the PFSM Project, as estimated by Developer’s engineer and approved by the County, securing such commitment, prior to the approval of the first Final Site Plan for any residential development in Phase II.

The effective date of the agreement will be approximately 45 days after execution to allow for statutory lag time (appeal period, etc.). If the developer transfers a substantial portion of the project to a contract purchaser, the contract purchaser shall also be a party to the agreement

- b. Upon entering into the agreement, the Developer* will be issued a Certificate of Level of Service (“CLOS”) for Phase II. The CLOS shall allow Developer to proceed with construction of the commercial development of Phase II of the Project* immediately and with construction of residential units in Phase II upon payment of the PFSM and posting of the bond or letter of credit, but no earlier than January 1, 2010 (except for model homes which may proceed immediately after entering into the agreement). (Completed)
- c. Initially, the PFSM Project identified for construction will be Port Harbour Parkway as set forth above. However, the County will retain the option to reprogram the Developer’s contributions (PFSM payment and financial equivalent of commitment to complete Port Harbour Parkway) to another major project (possible SR 64 if it can be used to forward-fund state construction dollars).
- d. In the event the County elects to use the PFSM for a project other than Port Harbour Parkway, Developer shall construct Port Harbour Parkway within one year of the Final Site Plan approval of the 1500th unit in Phase II. Prior to approval of the Final Site Plan for the 1500th unit in Phase II the Developer shall post security assuring such construction. Impact

fees paid by Phase II of the development shall be earmarked by the County for such construction and shall be used for such construction.

- e. The Developer will receive impact fee credits for 100% of the Developers PFSM payment and cost of construction of the PFSM Project, but will waive impact fee credits for the donation of right of way for Port Harbour Parkway

B(10).The developer shall provide easement(s) to Manatee County to allow for attenuation and treatment of all stormwater from the planned build-out conditions (4-lane thoroughfare roadway with intersection improvements and sidewalks) for both sides of Port Harbour Parkway. A Drainage, Maintenance and Access Easement shall also be provided to Manatee County for conveyance of stormwater from Port Harbour Parkway to the stormwater pond. The Drainage-Maintenance Access Easement shall be on clear and level ground and free of obstructions, including any landscaping in addition to the roadway buffer. Manatee County shall be responsible for the construction of the drainage conveyance improvements, the restoration of the roadway buffer and the maintenance of the free flow of the drainage conveyance. The pond within the stormwater easement shall not be a bonded improvement. Prior to Final Plat approval for the first plat abutting Upper Manatee River Road, the easements shall be approved by the Property Management Department and recorded in the Public Records and the developer shall submit to the Public Works Department the SWFWMD approval letter demonstrating that the approved stormwater pond has been designed with the capacity to accommodate the drainage for the build-out of Port Harbour Parkway as described above. Completion of the above improvements by Manatee County shall not require any further authorization from the developer or Home Owners Association. [The provisions of this Section B(10) have been supplanted by the LDA.]

B.(11) no stipulation assigned to this number at this time.

B(12) Only Parcels 19 and 20 allow for the conversion of Commercial/Retail, Office, and Hotel uses. Development minimum and maximums for Parcels 19 and 20 shall be per the Land Use Equivalency Matrix (LUEM), included as Exhibit 15. Parcel 35 allows for the exchange of land uses per the Land Use Exchange Matrix (LUEM), included as Exhibit 17.

B(13) Utilization of the Residential Land Use Equivalency Matrix shall not require modifications to the General Development Plan, provided that development proceeds in accordance with the Land Use Table shown on the General Development Plan (Exhibit 6).

B(14) Upon utilization of any Land Use Equivalency Matrix, the applicant shall provide a table on the FSP indicating the exchange of units or square footage, and corresponding increase or decrease of total unit counts and square footage by land use type.

B(15) Land Use Equivalency Matrices (LUEM) for Parcels 19 and 20 and Residential uses are included as Exhibit 15 of this Ordinance. Land Use Equivalency Matrix for Parcel 35 is included as Exhibit 17. The Tampa Bay Regional Planning Council and the Florida Department of Economic Opportunity will have a minimum 14-day, maximum 21-day review of any/all proposed conversions of the LUEM prior to approval by Manatee County. The applicant shall provide written notice to the Tampa Bay Regional Planning Council and the State Land Planning Agency of all proposed conversions under the LUEM and submit proof of such notice to Manatee County prior to approval by Manatee County of such conversions in accordance with this section. In addition, all future conversions shall be duly noted within subsequent Biennial Report submitted for the project.

C. ENVIRONMENT

C(1). Vegetation, Wildlife, and Wetlands

- a. In the event that any additional state or federally-listed species are discovered on-site during project development, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and Manatee County EMD and implement the appropriate measures for species conservation as recommended by the Florida Fish and Wildlife Conservation Commission.
- b. A management plan for the project, consistent with Policy 3.3.2.2 of the Comprehensive Plan, for removal of nuisance and exotic species, shall be developed by the applicant and approved by Manatee County prior to the first Final Site Plan approval for the project. (Completed for that portion of the project site south of Port Harbour Parkway.)
- c. Prior to approval of any Final Subdivision Plat (or Plan if Platting is not required), the Developer* shall record Land Development covenants or deed restrictions designed to prevent homeowner's activities from degrading habitat.
- d. Wetland buffers along the Manatee River, [the river as shown on Map F (Exhibit 1)], tidal creeks and islands shall be a minimum width of 50' except that wetland buffers for development within Parcel 12/13 shall be consistent with the Land Development Code and Comprehensive Plan. All other buffers shall be a minimum width of 30 feet, unless otherwise approved by the Building and Development Services Department, consistent with the Comprehensive Plan and Land Development Code.
- e. Upland buffers between on-site wetlands, marshes, streams or rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be replanted with native, transitional zone or upland vegetation. All wetland buffers shall have signage posted depicting the purpose and intent of the buffer. Signage text and location shall be approved by the Building and Development Services Department. The use of pesticides, herbicides, or fertilizers, unless part of an approved nuisance and exotic management plan, shall be prohibited in these buffers and the wetlands they protect.
- f. The Developer* shall submit a wetland management and mitigation plan to the County* for approval prior to, or concurrent with Preliminary Site Plan applications. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on- and off-site water quality, methods for hydro-period maintenance with a detailed narrative and preliminary plans for mitigated or significantly enhanced wetlands.
- g. Post-development wetlands, conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall be placed under conservation easements conveyed to Manatee County consistent with the restrictions on development provided for in Section 706 of the Land Development Code.
- h. The maximum amount of wetland impacts shall not exceed the total listed in Table 13-4, revised October 2006, attached as Exhibit 2. However, at time of Preliminary Site Plan approval, all proposed wetland impacts shall demonstrate compliance with minimization, avoidance, and mitigation, pursuant to the Comprehensive Plan, prior to authorization of any wetland impacts.

- i. The native upland plant community quantities committed to be preserved in Table 12-2 of the NOPC application dated May, 2004 (Exhibit 3), shall include 75 percent of the pine flatwoods and pine-mesic oak community located adjacent to the Manatee River and its tributaries, mangrove swamps, and saltwater marshes.
- j. As shown in Table 12-2 of the NOPC application dated May, 2004 (Exhibit 3), 36 acres of upland forested communities shall be preserved to provide habitat for the Sherman's fox squirrel.
- k. Concurrent with the construction of the internal roadways adjacent to Mitigation Area 6 and the associated wetlands shown on Exhibit 12, the Developer shall construct a fence which will be a minimum of four feet in height and of chain link or a similar material that will prevent passage of young sandhill crane chicks. The general location and extent of the fence is shown on Exhibit 12. (Completed)
- l. Unless otherwise approved by the Building and Development Services Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.
- m. There shall be no trimming or cutting of mangroves within conservation easements in this development after the effective date of this ordinance. The removal of dead limbs may be allowed subject to approval by the Building and Development Services Department. Language shall be incorporated into the required Conservation Easements, HOA documents and Notice to Buyers. The owners of the golf course and any other open space adjacent to mangroves shall also be notified of this prohibition. The specific language shall be reviewed by the Building and Development Services Department with the Final Site Plan. The conservation easements containing this prohibition shall be submitted to the County Attorney's Office for approval as to form, prior to recording in the Public Records.
- n. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.
- o. The developer shall provide an updated study consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the County for any listed species found on-site, prior to Final Site Plan approval.
- p. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
- q. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
- r. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the county for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if

- existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well – used, capped, or plugged.
- s. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

C(2). Air Quality

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

C(3). Water Quality and Stormwater Management

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

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

- b. The Developer shall implement the surface and ground water monitoring plan in accordance with the Heritage Sound Water Quality Monitoring Plan included as Appendix 14 S.1 in the Heritage Sound DRI Application for Development Approval Sufficiency Response dated March 1999 (Exhibit 10), and as amended for the Moore's Dairy site in accordance with the Water Quality Monitoring Plan approved by the Manatee County Natural Resources Department (MCNRD) on October 11, 2005 and included as Section IV in the Heritage Harbour DRI Notice of Proposed Change 2nd Sufficiency Response dated September 2005, unless otherwise modified with the approval of the Environmental Management Department.
- c. There shall be no individual groundwater wells associated with single or multi-family residences allowed within the development. This requirement shall be noted in all homeowner documents and disclosure statements. The location and well size of existing wells shall be indicated on each Preliminary Site Plan submitted for the project. A Well Management Plan, for the proper rehabilitation/abandonment of existing wells in accordance with SWFWMD Rule Chapter 40D-2, shall be submitted to the EMD for review and approval prior to authorization of construction.

- d. The developer shall conduct annual inspections of the surface water management system on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage or treatment for which it was designed and intended.
- e. The stormwater management systems shall be designed, constructed, and maintained to meet Chapter 40D-4 of the Florida Administrative Code. At a minimum, planted littoral zones equivalent to 35 percent of the total minimum lake area needed for stormwater treatment shall be required and shall be concentrated at the outfall.
- f. Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented.
- g. All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules. All existing underground storage tanks within the project* shall be identified prior to the first PSP approval. Completed.
- h. An Environmental Assessment of the site shall be conducted by an Environmental Consultant to determine potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums). Should evidence of hazardous material be discovered, further investigations will be required to determine the level of contamination and appropriate remediation/mitigative measures. The Environmental Assessment for the entire site shall be conducted and submitted for County review prior to the first Preliminary Site Plan approval. Development restrictions may be imposed if any contamination is discovered. Completed.

C(4). Floodplains

- a. All habitable structures and access roadways shall be constructed above the 100-year flood elevation.
- b. Compensation for the loss of 100-year flood storage capacity shall be provided through cut and fill balance calculation and further confirmed by the no-rise certification procedure.
- c. All homeowner documents, real estate disclosure forms, deeds of sale or lease agreements for land or structures in the post development 100-year flood plain on the project site of Heritage Harbour, shall be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from coastal and fresh water flooding. This disclosure shall also list potential mitigation strategies including elevation, construction of safe rooms, window protection (shutters/security film), where the builder has exceeded coastal construction codes and other potential measures to increase safety.
- d. The applicant shall meet or exceed all appropriate federal, state, and local construction codes, setback requirements, and flood plain management regulations.
- e. All infrastructure, including gravity sewer, lift stations, service cleanouts, and manhole rims shall be set at 12 inches above the 25-year floodplain or 4 inches above the 100-year floodplain.
- f. Adequate maintenance easements shall be provided on Cypress Strand (major drain). Prior to dedication, the creek embankment, excluding areas remaining in their natural states,

shall be stabilized through seeding, sodding, and rip rap. The Engineer shall provide as-built typical sections for the purpose of maintenance. Any alteration to the creek shall not cause a rise in the FEMA 100-year flood elevation.

C(5). Soils

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

C(6). Manatee Protection

- a. Prior to any marina construction, the developer shall prepare a Manatee Protection Plan. The Plan shall be approved by the Florida Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District, and Manatee County Natural Resources Department. The following elements shall be included:
 1. The Developer shall comply with all standard FWCC manatee construction conditions for all in-water construction.
 2. A manatee education program shall be developed and implemented for all slip lessees.
 3. A navigation channel shall be designated and marked with U.S. Coast Guard approved markers from the marina downstream to the I-75 Bridge prior to occupying any wet slips. The Developer shall be responsible for posting and maintaining the markers for the established channel in perpetuity, unless the Developer* obtains a commitment for posting and/or maintenance by an appropriate governmental agency. The Developer shall be responsible for posting and maintaining the markers from its marina to the designated main river channel in perpetuity, unless otherwise posted or maintained by an appropriate governmental agency.
 4. A sign will be installed and maintained at the facility for boaters traveling to the Manatee River. The sign shall notify boaters of the controlling depth of the river, and request that boaters stay in the marked channel.
 5. The use of the boat ramp shall be limited to lessees/owners of slips at the docking facility.
 6. The maximum draft, including propeller(s) for vessels associated with this project shall be 2.5 feet or as otherwise approved through the permitting process. This requirement shall be posted at the marina and included in all homeowner's documents, real estate disclosure forms, deeds of sale, or lease agreements for land or structures.
 7. Before commencement of the dry storage and boat lift, a speed zone from the I-75 Bridge to the vicinity of the east line of Section 16, Township 34 South, Range 19 East, shall be established by local ordinance and posted. The main marked channel shall be regulated at a speed, or speeds, as determined from public hearings and passing of an ordinance by the Manatee County Commission, with all other waters regulated as slow speed, minimum wake as applicable per Manatee County regulations. The Developer shall be responsible for posting and maintaining the established speed zone markers/buoys in the designated areas unless the Developer* obtains a commitment for posting and maintenance by an appropriate governmental agency.
 8. The Developer shall assist in the enforcement of the speed zone, once, established. It shall be a term of the lease of any slip that violations of the speed zone ordinance may

result in the revocation of the lease. An employee will be responsible for issuing warnings to lessees who are violating the speed zone. This person will also be responsible for a revocation process of the leased slip for individuals who are cited for violating the speed zone ordinance and pay a fine or are found guilty of violating the ordinance by a court of competent jurisdiction. (Completed)

- b. Except for docks whose sole purpose is to provide access to nature parks or picnic areas, and excluding specifically docks for individual or multiple single family use, the only docks on the site shall be at the marina if the marina is permitted.
- c. The total number of boat slips allowed for this development in perpetuity shall not exceed 462. The first phase shall consist of up to a maximum of 162 wet slips and boat ramp. The second phase shall consist of up to a maximum of 300 dry slips. The second phase shall not be initiated until two years after the first phase has been completed.

D. ARCHAEOLOGICAL AND HISTORICAL RESOURCES.

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

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

E. WASTEWATER MANAGEMENT

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

F. WATER SUPPLY

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

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

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

according to the season and checking, adjusting, and repairing irrigation devices to ensure optimum operating efficiency.

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

F(4). The applicant shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the project with the following sources, in order of preference; (1) treated wastewater, (2) treated stormwater; (3) non-potable quality groundwater. Prior to each Final Site Plan approval, the developer shall identify the irrigation source which will be utilized. When it becomes available from Manatee County, Heritage Harbour shall connect to the County's wastewater reuse system. All wells no longer needed for irrigation purposes shall be properly abandoned except for such wells as may be needed for emergency purposes.

F(5). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).

F(6). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. The water conservation fixtures and measures (low water use toilets, shower heads and other plumbing fixtures) referenced in the ADA shall be required.

F(7). The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.

F(8). All irrigation wells which are not proposed for use (about 30) or are not needed for emergency purposes shall be properly sealed and abandoned prior to commencement of development in the areas where the wells are located. Additionally, an appropriately located irrigation well or wells as approved by Water Management District staff shall be tested annually for salinity.

G. SOLID/HAZARDOUS WASTE/MEDICAL WASTE

G(1) The County has determined that there exists adequate solid waste capacity to accommodate the impacts of the Project*. The Certificate of Level of Service shall be valid until November 21, 2024.

G(2) In the event that hazardous materials or medical waste are located on the site, they shall be handled in a manner consistent with applicable Federal, State, and Local regulations.

H. ENERGY

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

I. RECREATION AND OPEN SPACE

I(1) The Project shall contain, at a minimum, 893.9 acres of open space. The property designated for recreation purposes shall include a 37.0 acre community park open to the public, a 4.2 acre private neighborhood park, a, 250.0 acres of golf, and 5 2- acres of usable recreational area in Parcel 35.

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

- a. Parcel 35 shall contain a 2-acre useable recreational area. unless a suitable alternative is approved by the Building & Development Services Director with the Final Site Plan.
 - b. .The size, location, and configuration of each pocket park shall be approved by Manatee County with each Final Site Plan and shall generally be a minimum of 1 acre. Each pocket park may include shade trees, playgrounds, seating, water fountains, shade structures, open play areas, picnic areas with pavilions, tables, and grills, or other demographically appropriate recreation amenities/facilities as approved by the Building & Development Services Department at time of FSP approval. Pocket parks may be reduced to a minimum of ¼ acre provided the applicant can demonstrate to the satisfaction of the Building & Development Services Department that sufficient land areas are provided to accommodate the recreational uses.
 - c. Acreage for trails and greenways may count towards the acreage specified above. For any trails not located within a recreation area/park, the trail shall be calculated as 3 times the width times the length of the trail.
 - d. Lakes, wetlands, and other water features may be partially or completely included in the recreation open space acreage provided they include recreation amenities such as fishing/observation piers, boardwalks, canoe/kayak/boat launches, swimming, or other water related amenities. Acreage for the structures shall be calculated at 3 times the area of the recreation amenity structure itself (ie: the footprint of a fishing/observation pier) but shall not include the acreage of the entire water body unless the water body is designed to allow swimming.
- I(2) The Developer or HOA shall be responsible for the maintenance of all recreation and open space areas within the project site not dedicated to the County.
- I(3) A system of bicycle and pedestrian trails shall be developed to link the residential, commercial and recreational areas. If bicycle trails are combined with the required sidewalk system, then it shall be designed and constructed with a minimum width of 8 feet. If it is not combined with the sidewalk, then a 4 foot wide lane shall be provided on each side of the roadway. Prior to the first residential subphase south of the Port Harbour Parkway and the first residential subphase north of Port Harbour Parkway a comprehensive pedestrian/bicycle plan for each side of Port Harbour Parkway shall be submitted and approved by Manatee County. Completed. Prior to the first Preliminary Site Plan approval for Parcel 35, the plan shall be amended to include Parcel 35.
- I(4) If the golf course is not developed prior to the adjacent residential development, the residential site plans and plats shall accommodate the proposed golf courses. Prior to the 3rd annual report after the first Final Plat or Certificate of Occupancy, whichever occurs first, an eighteen hole golf course shall be completed and open for play. If this is not completed, no further site plan approvals for the project shall be granted. Completed.
- I(6) Each subphase, other than Parcel 16, with lots less than 6,500 square feet shall contain a neighborhood park at least 20,000 square feet in size.

J. PUBLIC SAFETY.

- J(1). The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development

Code, if applicable. An agreement as to pro-rata share for each Phase*, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for Phase 2*. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. (Completed).

K. HURRICANE PREPAREDNESS

- K(1) The applicant/developer shall promote awareness of hurricane/flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.
- K(2) . The applicant shall meet or exceed all appropriate federal, state, and local construction codes, setback requirements, and flood plain management regulations recognizing the vulnerability of this site to fresh water flooding and tropical storms and hurricanes.
- K(3) Prior to the first Final Site Plan for a site located either completely or partially within the Coastal Planning Area, as identified in the Comprehensive Plan, the applicant shall develop a master plan for evacuation and recovery to ensure the safe and orderly evacuation of vulnerable residents, hotel guests, and employees after an official evacuation order is issued. This plan shall include such provisions as, but not be limited to: (1) ordering all buildings in the evacuated areas closed for the duration of a hurricane evacuation order; (2) informing all residents, guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation and re-entry/recovery plans. This plan shall be submitted to the State Land Planning Agency and the County for review and approval before approval of a Final Site Plan for habitable construction within the Coastal Planning Area. State Land Planning Agency shall have 45 days to comment on this plan. (Completed and attached as Exhibit 13).
- K(4) Prior to the first Final Site Plan approval for any site located either completely or partially within the Coastal Planning Area for habitable construction, the applicant shall develop a master plan for mitigating the project's impacts on emergency public shelters consistent with the requirements of Rule 9J-2.0256, FAC. These measures may include, but not be limited to; construction of shelter space in accordance with ARC 4496 shelter standards; payment in lieu of construction; and /or participation in the upgrading of existing shelter space. The plan shall be submitted to the State Land Planning Agency and the County for review and approval before approval of a Final Site Plan for habitable construction. State Land Planning Agency shall have 45 days to comment on this plan. (Completed and attached as Exhibit 13).
- K(5) Notwithstanding the ability to exchange among residential unit types, per the Land Use Equivalency, no increase in multi-family or single-family semi-detached units shall be permitted in the CHHA (Coastal High Hazard Area).

L. EDUCATION

- L(1). The Developer* shall mitigate potential school impacts by making a payment of \$825,000.00 to the School Board, upon request (which represents a cost of \$35,000.00 per acre) with a three percent (3%) adjustment per year for five years. Request for payment shall be made no earlier than the date of the issuance of the first residential Certificate of Occupancy. Payment shall be made within 30 days of request. (Completed)

- L.(2) The Developer* shall fund the cost of a sidewalk from the school board property line (adjacent to the student drop off area within Heritage Harbour) to Haile Middle School and a shelter adjacent to the drop off area, upon the request of the School Board. (Completed)
- L.(3) The development was previously approved for 5,000 dwelling units with 1,421 total projected students. Any dwelling units added to the project through a Land Use Equivalency Matrix conversion shall be subject to review and approval of a new School Concurrency Analysis and issuance of a Certificate of Level of Service for Educational Facilities.
- L(4) The Land Use Equivalency Matrix (LUEM) Exhibits 15 and 17 do not apply to school reviews.

N. AFFORDABLE HOUSING

N(1). An assessment of the potential affordable housing impacts of the Project was performed as part of the 2008 NOPC (Ordinance 08-33). The Developer* recognizes that the statutory rules require an assessment of “affordable housing”, however the TBRPC and Manatee County recognize that the potential deficit is in the area of “essential worker” or “workforce” housing as such terms are defined by the TBRPC and the Manatee County Land Development Code, respectively. Lennar Homes, LCC, per their agreement with the TBRPC, shall implement the following:

- a. 245 units shall qualify upon the first sale to an end user as workforce housing as defined by Manatee County Land Development Code. The sales price for such units shall be determined to qualify as workforce housing after excluding upgrades and options from the price. The maximum sales price for the workforce housing units shall be based upon current workforce sales price as established by the methodology in the Manatee County Land Development Code and may be modified each year as determined by Manatee County.
- b. The Developer* shall receive a 1:1 credit for all such qualifying units built within Phase I or II from January 1, 2004 to November 20, 2024 (project build out).
- c. Should the Developer* not provide the required number of affordable units, mitigation in the form of \$2,000 per affordable unit not built shall be paid into the Affordable Housing Trust Fund prior to Final Site Plan approval for the 1,500th residential unit in Phase II or last residential subphase, whichever comes first.

Prior to the first Final Site Plan approval for residential development, the developer shall deposit into an escrow account, post a letter of credit or bond, in a form acceptable to Manatee County, to secure the payment for the number of unbuilt units, in the amount of \$490,000. The escrowed funds shall be refunded to the developer or the bond or letter of credit released as each workforce unit is constructed.

- d. As a means to monitor the progress, the applicant shall provide an accounting of the number of units that have been provided to date in each Biennial Report. **[Required units have been constructed in compliance with this condition. Condition is no longer applicable]**

O. GENERAL CONDITIONS

O(1) Non-Residential

- a. Building Appearance

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

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

b. Service Areas

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

c. Parcel 20 Development Restrictions:

1. All buildings, loading and service areas shall maintain a minimum setback of 200 feet from Parcel 16. Buildings within 500 feet of Parcel 16 shall not exceed 25 feet in height. Buildings within 100 feet of I-75 or State Road 64 shall not exceed 25 feet in height, except for hotels, and office buildings, which shall comply with the minimum front yard setback specified on the GDP, plus 25 feet for each story over 2. This height restriction does not apply to architectural or design features used for building entrances and which are required to achieve compliance with Condition O(1).a.3 above.
2. A fifty foot landscape buffer shall be located along the southwest side of the 66 acre lake adjacent to Parcel 20. Existing native trees within this buffer shall be preserved, unless

removal is required to accommodate the reconfiguration of the lake. Additional canopy trees, meeting the requirements of 715.4.B, shall be required where existing trees do not provide continuous screening of the commercial site from Parcels 16 and 18. A wall or hedge, to be a minimum height of at least 6 feet above the finished floor elevation of the proposed building, shall be installed prior to issuance of the first Certificate of Occupancy for any commercial building, parking, loading or service area constructed within 300 feet of the lake.

Residential, hotels, offices and restaurant facilities, which are oriented to the lake and designed to enjoy lake views, shall be exempt from the requirement to maintain a 50 foot setback and install a wall or a hedge.

3. Prior to the issuance of a Certificate of Occupancy for any building which individually or cumulatively exceeds 250,000 square feet for the parcel, or 100 residential units, the access street which goes to the north through Parcel 16 shall be constructed to Port Harbour Parkway. Port Harbour Parkway shall link to an internal collector road, as shown on the GDP, within the development. Port Harbour Parkway shall be constructed from the northern terminus of Kay Road to this access prior to the issuance of a Certificate of Occupancy for any building which individually or cumulatively exceeds 350,000 square feet for the parcel.
4. If multi-family is located within Parcel 20, it shall be located so that traffic from commercial development on this parcel to State Road 64 is not required to pass the multi-family development. All multi-family buildings shall maintain a minimum setback of 75 feet from any commercial building or its associated loading or service area.
5. The preservation of significant trees or tree clusters within the temperate hardwood area adjacent to State Road 64 shall be a condition of Preliminary and Final Site Plan approvals. Sufficient area and protection around the trees, as determined by a registered Landscape Architect, shall be provided to reasonably guarantee their survival. Removal shall be based on impacts resulting from unavoidable required grade changes.
6. Land Uses in Parcel 20 shall be allowable uses within the PDMU district as identified in the Manatee County Land Development Code as of the date of the adopting PDMU Zoning Ordinance with the exception of the manufacturing, flea markets, junkyards, manufactured home parks, and warehousing.

d. Parcels 17 and 19 Development Restrictions

1. Buildings in Parcel 17 shall be limited to a maximum height of 3 stories. Commercial uses in Parcel 17 shall be limited to neighborhood commercial uses in a neo-traditional design.
2. Land Uses in Parcel 19 shall be allowable uses within the PDMU district as identified in the Manatee County Land Development Code as of the date of the adopting PDMU Zoning Ordinance with the exception of manufacturing, flea markets, junkyards, manufactured homes parks, and warehousing. All multi-family buildings shall maintain a minimum setback of 75 feet from any commercial building or its associated loading or service area.

e. Parcels 19 and 20 Development Restrictions

1. Allowable land uses and square footage can transfer between parcels 19 & 20 subject to a land use equivalency matrix shown as Exhibit 15.

f. Parcels 19-27 Buffering

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

O(2) Residential

- a. The maximum number of residential units per Parcel shall be limited to the numbers indicated in the Land Use Table on the General Development Plan. With each preliminary plan submitted, a Residential Sector Data Table shall be provided to include the number of units and unit type that have Final Site Plan approval in the Phase*
- b. Residential development (Except for Parcel 35) shall comply with the following dimensional standards:

TYPE	MINIMUM LOT SIZE (Sq.Ft.)	MINIMUM LOT WIDTH	FRONT SETBACK (ft.)	SIDE SETBACK (ft.)	REAR SETBACK (ft.)
SFD ⁵	6,500 SF ²	55 FT ²	20/15 ¹	7 ²	15
SFA ^{5,8-7}	2,500/3,500 SF	25/35 FT	20/15 ¹	0/10 ⁶	15
SFSD ⁵	3,850 SF	35	20/15 ¹	0/7.5	15
Duplex ⁵	7,800 SF	70	20/15 ¹	7.5	15
Multi-fam ⁴			25	15/40/50 ³	15

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

stories shall maintain a minimum setback of 100 feet from single-family residential development parcels.

5. All duplexes and single-family residences shall be provided with a minimum of a one car garage for each dwelling unit.
6. Applied to end units.
7. The lot width for SFA in Parcel 17 may be 20' with a minimum lot size of 2000'

Dimensional Standards for Parcel 35

TYPE	MINIMUM LOT SIZE (Sq.Ft.)	MINIMUM LOT WIDTH	FRONT SETBACK (ft.)	SIDE SETBACK (ft.)	REAR SETBACK (ft.)
SFD ⁴	6,500 SF	52 FT	20/15 ¹	5	15
SFA ⁴	2,500/3,500 SF	25/35 FT	20/15 ¹	0/10 ⁵	15
SFSD ⁴	3,850 SF	35	20/15 ¹	0/7.5	15
Duplex ⁴	7,800 SF	70	20/15 ¹	7.5	15
Multi-fam			25	15/25/40/50 ²	15

1. Front setback for units with side entry garages
 2. This distance is not a side yard setback, but the minimum distance between buildings. A 15' separation is required between one-story buildings, a 25' between two-story, 40' between 3-story, and 50' between 4-story buildings.
 3. Single- and two-story multi-family buildings shall maintain a minimum setback of 50 feet from single-family residential development parcels. Multi-family buildings which are three or more stories shall maintain a minimum setback of 100 feet from single-family residential development parcels.
 4. All duplexes and single-family residences shall be provided with a minimum of a one car garage for each dwelling unit.
 5. Applied to end units.
- c. Residential development in each parcel shall maintain consistency in unit type and size, unless otherwise specified above in Condition O.(2) b, footnote 2 or in Stipulation O(2).h.i, and j below, except for development on Parcel 35.
- d. Single-family detached, attached, semi-detached, duplex and multi-family dwellings shall be as defined in the Land Development Code. No other uses shall be permitted within these land use categories identified on the General Development Plan, with the exception of permitted home occupation, family day care homes and family care homes. Duplex units may be permitted in single-family semi-detached or attached categories.
- e. All residential dwelling units, except multi-family units, shall contain a minimum floor area of 1,200 square feet.
- f. Multi-family building restrictions (Parcels 2A, 2B, 7B, and 10B and 13)
1. Parcel 12/13 shall be developed with single-family detached lots.
 2. Parcels 2A, 2B, 7B, and 10B Tree Plantings
 - (a) At least 1 year prior to Final Site Plan approval and 2 years prior to submittal of any building permit for a multi-story building for Parcels 2A, 2B, 7B and 10B, additional

tree plantings between the Manatee River and referenced parcels (Exhibit 11) shall be completed and certified to the Building and Development Services Department by a landscape architect. Prior to planting, the Developer* shall remove all nuisance and exotic vegetation from this buffer. The Developer* shall submit tree planting plans for review and approval by the Building and Development Services Department prior to implementation and shall certify when complete. The plantings shall consist of a double row of trees consisting of at least 60 percent canopy trees and have a minimum caliper of 4 inches at planting. Tree species shall be based upon site conditions needed to sufficiently screen the future buildings. Trees for each row shall be staggered and spacing within each row shall maintain a maximum distance of 40 feet.(Completed)

(b) Prior to Final Site Plan approval, a Florida Registered Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

(c) Prior to the issuance of the first building permit and Certificate of Occupancy for a multi-family building in each parcel, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

g. Multi-family building restrictions (Parcels 23 and 24)

1. Multi-family buildings shall maintain a 75 foot setback from any commercial building or its associated loading or service area. This setback shall not be required if multi-family and commercial development are vertically mixed.
2. Multi-family development shall provide a minimum buffer of 50 feet along State Road 64. Buildings within 75 feet of State Road 64 or any roadway shown on the GDP shall not exceed 3 stories.

h. Multi-family buildings in Parcel 32 shall be limited to two stories and 210' and 165' in length, provided no more than 2 buildings in a row shall exceed 165' in length. The street frontage buffer shall be at least 25 feet wide and contain a 3 foot high berm (measured from the property line) with a 6 foot continuous hedge at maturity. Trees within the buffer shall be spaced 40 feet on center and be at least 3 inch caliper at time of planting.

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

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

Native trees and vegetation within the mixed wetland hardwood and temperate hardwood areas located in Parcel 15A shall be preserved, unless removal is required to implement improvements to Cypress Creek or to remove trees in accordance with Sections

714.2.2.8 or 9 of the Land Development Code. Additional canopy trees shall be planted within the buffer area outside the flow way that is substantially void of trees.

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

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

j. Parcel 35

1. Lots along the southern boundary of Parcel 35, within 1,200 feet of Upper Manatee River Road, shall be limited to single-family residences. A minimum 5-foot greenbelt buffer shall be provided in areas along the southern boundary where the project abuts designated open spaces or the golf course, which are a minimum of 30 feet in width from the nearest lot line in the abutting community, the project shall provide tree plantings required by LDC Section 701.3.B.c.ii. Lots which are adjacent to the southerly 5-foot greenbelt buffer shall have a minimum 15-foot rear yard setback for pools, patios and accessory structures. The required plantings in the 5-foot buffer may be clustered. Size, species, and location of the required plantings shall be approved with the Final Site Plan. No planting shall be required in the greenbelt buffer adjacent to off-site conservation easements.
2. Construction traffic for Parcel 35 shall not utilize the existing Stoneybrook roads in Parcel 31. Signs to this effect shall be posted at both inter-neighborhood tie locations exiting Parcel 35 and all entrances into Parcel 31. The developer shall include these provisions in all construction contracts.
3. Parcel 35 is approved for residential dwelling units ranging from 735 to 1,400, subject to the cumulative development limitations of the DRI. Per the Amended and Restated LDA dated August 12, 2014, certain unused DRI entitlements from other portions of the project may be available for use on Parcel 35 over time, and compliance with such LDA provisions shall be required at the time of PSP or FSP approval, as applicable. Dwelling units may be converted to other uses pursuant to the Land Use Equivalency Matrix (Exhibit 17). Upon utilization of the Land Use Equivalency Matrix, the applicant shall

provide a table on the FSP indicating the exchange of units or square footage and corresponding increase or decrease of total unit counts and square footage by land use type. Development minimums and maximums for Parcel 35 shall be per the Land Use Equivalency Matrix (LUEM) included as Exhibit 17 of this Development Order.

4. **Group Care Facilities:** The primary licensing agency for group care facilities (ALF's, Hospices, etc.) is the Agency for Health Care Administration (AHCA), 2727 Mahan Dr. Tallahassee, FL 32308, (888) 419-3456. Their inspection and approval is required. As a part of the AHCA licensing process the Department of Health performs a health and sanitation inspection, and a food hygiene certification. All requirements of chapter 64E-12 and 64E-11, Florida Administrative Code shall be met prior to approval and licensure. Prior to construction, plans of the facility and its operation shall be submitted to and by the FL Department of Health – Manatee County. Plans may be submitted by the owner, approved prospective operator or their designated representative. All plans shall comply with the requirements of this chapter. Contact Barbara Will at (941) 714-7585 for plan review information.
 5. Connection to the County wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
 6. **Community Center** - Any community center located on Parcel 35 shall be set back a minimum of 100 feet from the Waterlefe property boundary. Any lighting associated with the community center shall be limited to 15-feet in height and shall be shielded in accordance with the requirements of the Land Development Code. The use of any outdoor speakers shall be prohibited between the hours of 10 p.m. and 10 a.m. Any swimming pool or children's playground shall be buffered by landscaping that meets or exceeds Type B landscaping as defined in the Land Development Code.
 7. The attached Exhibit "18" contains the list of prohibited uses in the PDMU (Planned Development Mixed Use) district for that area of Parcel 35 which is within 500' of the Waterlefe boundary.
 8. Multi-family development on Parcel 35 shall be located south of Port Harbour Parkway.
- k. Parcel 1/5

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

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

i. Inter-neighborhood ties/Access

1. Prior to Final Plat (or Final Site Plan if platting is not required) approval for Parcel 13 or 14, an inter-neighborhood pedestrian tie (by common easement or right-of-way), shall be provided from Parcel 13 or 14 to the property to the east to connect to the required

Pedestrian tie in PDR-97-12(Z)(G) – Waterlefe.

2. Prior to the Final Plat (or Final Site Plan if platting is not required) approval for any portion of Parcel 31 located adjacent to the vacant parcel between Waterlefe and Greenfield Plantation subdivisions, an inter-neighborhood pedestrian (or roadway if streets are public in Parcel 31) tie shall be constructed (or bonded) to the east. This tie shall be shown on all future Preliminary and Final Site Plan approvals and noted in all homeowners documents and disclosure statements. (Completed)
3. Prior to Final Plat (or Final Site Plan if platting is not required) approval for any portion of Parcel 31 south of the northern boundary of Haile Middle School, an inter-neighborhood pedestrian tie (by common easement or right-of-way) or street, shall be provided to the Haile Middle School site. If a street is not provided, then the developer shall facilitate a vehicular area adjacent to the school site to facilitate student drop-off and pick-up. The specific location and design shall be subject to approval by the School Board staff and the Building and Development Services Department. To facilitate the purpose of this condition, all streets within Parcel 31 shall be open to the public from 7:00 to 9:00 a.m. and from 2:00 to 5:30 p.m. while school is in session. This requirement shall be noted in all homeowner's documents and disclosure statements within the project. If a guard gate or sign is utilized which identifies the streets or Parcel 31 as being private, then there shall be accompanied verbiage, visible from the street, that the roads are open to the public during the above referenced school hours.
4. Inter-neighborhood ties between parcels internal to the project shall be determined at time of Preliminary Site Plan approval.
5. The required second means of access for each portion of the project shall be provided pursuant to Section 712.2.8 of the Land Development Code. Access pursuant to Diagram A, Number 3 may be used provided that the number of units in the portion of the project in which this access serves does not exceed 600 dwelling units.

m. Buffers

1. A 50 foot wide buffer shall be provided between Parcel 31 and SR 64. Enhanced landscaping, including trees, berms, and golf course shall be provided within the buffer.
 2. A 25 foot greenbelt shall be located between all residential development and the 330 foot wide FP&L easement. All building setbacks shall be measured from this greenbelt.
- n. The Homeowner's Documents for Stoneybrook Southeast (Parcels 31 and 32) shall include notices to inform homeowner's of that a portion of Parcel 32 will include two story multi-family residences in accordance with Condition N.(2)h.
- o. ACLF (Group Care) uses shall be permitted only in the parcels specifically identified in the Land Use Table of the General Development Plan.
- p. Multi-family buildings in Parcels 3, 4, 7A, 8, and 10A shall be limited to 3 stories and 35' in height.

O(3) Signage

- a. One freestanding pole sign, in compliance with Section 737.5.3.3 shall be allowed per frontage for Parcels 25 and 27. Any additional signs that may be permitted along State 64,

1-75, or along any other street frontage shall be limited to ground signs, in compliance with Section 737.5.3.3.

- b. A project identification sign located at the project's westernmost entrance may contain a maximum sign area of 200 square feet (constructed on Parcel 23). The sign shall maintain a minimum setback of 125 feet from State Road 64 and a minimum distance of 500 feet from the pole sign along State Road 64 in Parcel 20. The design of the sign and surrounding wetland and water features shall be consistent with plan and elevation in Exhibit 5.
- c. Signage on Parcels 19 and 20 will be consistent with the signage plan attached hereto as Exhibit 16. All signage on Parcels 19 and 20 for the Heritage Harbour DRI shall be permitted as shown on the attached sign plan and key legend, Exhibit 16. No signs shall be permitted within the public right-of-way. Signage shall be placed so it does not conflict with vehicular clear zones, FDOT indices and clear zone requirements shall be met.

O(4) Lighting

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

O(5) Notice to Buyers

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

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

DEFINITIONS.

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

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application" and "Application for Development Approval" or "ADA" shall mean Heritage Sound's DRI ADA submitted on October 30, 1998 and sufficiency responses submitted on March 25, 1999 and May 19, 1999, and the response to the second sufficiency comments dated May 17, 1999 and submitted on May 19, 1999, and the NOPC submitted on March 4, 2002 and amended on October

4, 2002 and December 17, 2002, and the NOPC submitted on June 29, 2004, and amended on December 21, 2004, September 27, 2005, May 5, 2006, August 8, 2006, and November 27, 2006, January 3, 2008, February 7, 2008, and March 11, 2008, the NOPC submitted on October 19, 2009 and the application for an amendment to the development order submitted on XX attached as Exhibit 4.

- C. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.
- CC. "Community Support Facility" shall mean a master irrigation and communication facility and accessory uses designed to serve this project and adjacent areas as required by Manatee County.
- D. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the law and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- E. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- G. "Developer" shall mean Lennar Homes, LLC, its heirs, assigns, designees, agents, and successors in interest as to the Heritage Harbour DRI.
- H. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- I. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
 - 1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
 - 2. actual construction; or
 - 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 - 4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
- J. "General Development Plan*" shall be defined as the site plan for PDMU-98-08(G)(R6), last revised

October 2012 , and attached as Exhibit 6. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development on Table 1.

- K. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development" (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- L. "Net New External p.m. Peak Hour Project Trips shall mean the total trip generation using the ITE Trip Generation Manual, 6th Edition, less the internal capture and pass-by captured trips.
- M. "Owner" shall mean Lennar Homes,LLC., their heirs, assigns, designees, agents, and successors in interest, except as otherwise noted for Parcels 19, 20 and 35.
- N. "Phase" shall mean the development totals listed in Table 1 above.
- O. "Preliminary Site Plan" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended), for a Phase or Sub-Phase.
- P. "Project" shall mean the land uses by area, square footage, density, and phase described in the ADA*, and as modified in Table 1, to be constructed on the real property described in Section 6 herein.
- Q. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the cumulative traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Manatee County adopted Level of Service. This area is generally depicted on Figure 21.1 (Exhibit 7) which was submitted with the ADA.
- R. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any existing structure.
- S. "Warranted" shall mean a determination by the County, or FDOT for state roads (unless the improvement is identified as a "local improvement", based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- T. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 5. SPECIFIC APPROVALS REGARDING PARCELS 19, 20 and 35.

The Board of County Commissioners granted Specific Approval from compliance with LDC Section **402.7.D.5 (Greenbelts) with Ordinance PDMU-98-08(G)(R7)**. **The Board of County Commissioners previously granted Specific Approval from compliance with Sections 900 (formerly 737), Entranceways, and specifically in Section 900.6.C (formerly 737.5.3), Signs, and Section 600 (formerly**

724), Signs, specifically Sections 603.3.A (formerly 724.6.4) to enable implementation of the sign plan (Exhibit 16) with revised Ordinance PDMU-98-08(Z)(G)(R4). Further, the Board of County Commissioners granted Specific Approval from compliance with Sections 700 (formerly 715), Landscaping and Screening Standards, and specifically in Section 701.3.A (formerly 715.3.1), Landscaping –Vehicle Use Areas and Sections 1005 (formerly 710) Off-Street Parking and Loading, specifically, in Section 1005.4 (formerly 710.1.4) Reduction in Number of Size of Required Off-Street Parking Spaces and Section 1005.3, Table 10-2 (formerly 710.1.6 Table B) Parking Ratios with revised Ordinance PDMU-98-08(Z)(G)(R4).

SECTION 6. LEGAL DESCRIPTION.

General Development Plan

Development of Heritage Harbour shall be restricted to the 2,784.7 ± acre tract of land described below:

ALL OF SECTIONS 13, 14, 23, 24, 25, 26, 35 AND 36, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING NORTH OF STATE ROAD NO. 64, AS SHOWN ON STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION NO. 1305-250 AND ALSO NORTH OF STATE ROAD NO. 93 (INTERSTATE 75) AS SHOWN ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 13075-2403 AND SOUTH OF THE MEAN HIGH WATER LINE OF THE SOUTH BANK OF THE MANATEE RIVER. CONTAINING 2,397.5 ACRES MORE OR LESS. ALSO: THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING SOUTHWEST OF STATE ROAD NO. 93 (INTERSTATE 75) AND EAST OF THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF KAY ROAD AS SHOWN ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 13075-2404, SHEET 3 OF 9: BEGIN AT THE NW CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 18 EAST RUNNING EAST 2,681.25 FEET, THENCE RUNNING SOUTH 3,769 FEET, THENCE RUNNING WEST 2,681.25 FEET, THENCE RUNNING NORTH TO THE POINT OF BEGINNING, LESS THE SOUTHERNMOST 1640.5 FEET THEREOF. CONTAINING 10.6 ACRES MORE OR LESS. ALSO: UNSURVEYED PORTION OF SECTION 12, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LYING SOUTH OF GOVERNMENT LOTS 3 AND 4; UNSURVEYED PORTION OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS: BEGIN AT THE NW CORNER OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE SOUTH TO THE WATER OF THE MANATEE RIVER, THENCE MEANDER THE WATERS OF THE MANATEE RIVER IN AN EASTERLY AND NORTHEASTERLY DIRECTION TO A POINT ON THE NORTH LINE OF SAID SECTION 13 WHICH IS ON OR NEAR THE EXTENDED EAST LINE OF U.S. GOVERNMENT LOT 1 OF SECTION 12, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE WEST ALONG THE NORTH LINE OF SECTION 13 TO THE POINT OF BEGINNING; UNSURVEYED PORTION OF SECTION 14, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS: BEGIN AT THE NE CORNER OF SECTION 14, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE SOUTH TO THE WATERS OF MANATEE RIVER, THENCE MEANDER THE WATERS OF MANATEE RIVER IN A WESTERLY AND NORTHWESTERLY DIRECTION TO A POINT ON THE NORTH LINE OF SAID SECTION 14, RUN THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 14 TO THE POINT OF BEGINNING; CONTAINING APPROXIMATELY 87.7 ACRES (COMPUTED BY DIGITIZING FROM AERIAL PHOTOGRAPHS THE AREA ABOVE THE APPROXIMATE MEAN HIGH WATER LINE) ALL LYING AND BEING LOCATED IN MANATEE COUNTY, FLORIDA. THE AREA OF THE ABOVE DESCRIBED LAND IS APPROXIMATELY 2,495.8 ACRES.

TOGETHER WITH (HERITAGE HARBOUR STONEYBROOK EAST):

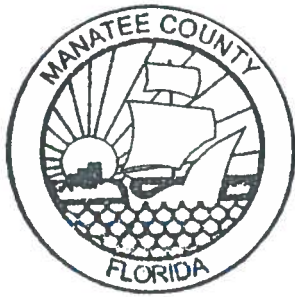
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF MANATEE, LYING IN SECTION 19, TOWNSHIP 34 SOUTH, RANGE 19 EAST, BEING A PORTION OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1460, PAGES 5079 THROUGH 5083, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE N.89°47'24"W. ALONG THE SOUTH LINE OF SAID SECTION 19, FOR 175.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°47'24"W., ALONG SAID SOUTH LINE OF SECTION 19, ALSO BEING THE NORTH BOUNDARY LINE OF LANDS OF RIVER ROAD PLANTATION (KNOWN AS PROPERTY IDENTIFICATION NUMBER 5668.0020\9 PER MANATEE COUNTY PROPERTY APPRAISER), FOR 4666.00 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N.01°24'51"E., ALONG THE WEST LINE OF SAID SECTION 19, ALSO BEING THE EAST BOUNDARY LINES OF PLAT OF STONEYBROOK AT HERITAGE HARBOUR, SUBPHASE D, UNIT 1, AS RECORDED IN PLAT BOOK 44, PAGES 168 THROUGH 185, SAID PUBLIC RECORDS AND PLAT OF STONEYBROOK AT HERITAGE HARBOUR, SUBPHASE D, UNIT 2, AS RECORDED IN PLAT BOOK 50, PAGES 10 THROUGH 13, SAID PUBLIC RECORDS, FOR 2662.92 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF KAY ROAD (42 FOOT WIDE PUBLIC RIGHT OF WAY), A PORTION OF WHICH IS SHOWN ON PLAT OF WATERLEFE GOLF & RIVER CLUB, UNIT 5, AS RECORDED IN PLAT BOOK 37, PAGES 162 THROUGH 168, SAID PUBLIC RECORDS AND A PORTION OF WHICH IS SHOWN ON AND DESCRIBED IN OFFICIAL RECORDS BOOK 1711, PAGES 673 THROUGH 674, SAID PUBLIC RECORDS; THENCE S.89°44'37"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE NORTH LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1460, PAGES 5079 THROUGH 5083, SAID PUBLIC RECORDS FOR 2398.56 FEET; THENCE S.87°54'15"E., CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND SAID NORTH LINE, FOR 2354.69 FEET TO A POINT ON THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF UPPER MANATEE RIVER ROAD (80 FOOT WIDE PUBLIC RIGHT OF WAY) AS RECORDED IN ROAD PLAT BOOK 6, PAGE 73, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.00°21'37"W., ALONG SAID WESTERLY MAINTAINED RIGHT OF WAY LINE, FOR 2282.71 FEET TO THE NORTHEAST CORNER OF LANDS OF VIRGINIA MOORE (KNOWN AS PROPERTY IDENTIFICATION NUMBER 5469.0000/2 PER MANATEE COUNTY PROPERTY APPRAISER); THENCE N.89°53'12"W., ALONG THE NORTHERLY BOUNDARY LINE OF SAID LANDS, FOR 135.10 FEET; THENCE S.00°22'23"W., ALONG THE WESTERLY BOUNDARY LINE OF SAID LANDS, FOR 299.98 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND THE POINT OF BEGINNING. CONTAINING 12,578,452.9 SQUARE FEET OR 288.76 ACRES, MORE OR LESS. BEARINGS ARE BASED THE WEST LINE OF SECTION 19 AS BEARING N.01°24'51"E. TO COINCIDE WITH THE EASTERLY BOUNDARY LINE OF THE HERITAGE HARBOUR DEVELOPMENT TO THE WEST (SHOWN ON SAID PLAT OF STONEYBROOK AT HERITAGE HARBOUR, SUBPHASE D, UNIT 1 AND PLAT OF STONEYBROOK AT HERITAGE HARBOUR, SUBPHASE D, UNIT 2).

SECTION 7. EFFECTIVE DATE.

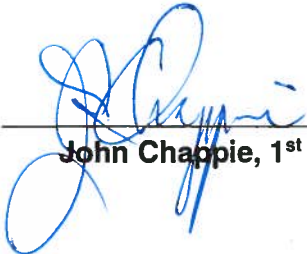
This Ordinance shall become effective upon filing of a certified copy of this Ordinance with the Department of State, provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend any additional development authorization granted by this Development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

SECTION 8. CODIFICATION. Pursuant to §125.68(1), Florida Statutes, the ordinance is not required to be codified. Therefore, the clerk shall not transmit the ordinance for codification.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 5th day of May, 2016.



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

By:  _____
John Chappie, 1st Vice Chairman

**ATTEST: Angelina M. Coloneso
Clerk of the Circuit Court**

By:  _____
Deputy Clerk

EXHIBITS 1, AND 3–5, 7-14 AND 16;

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT TO THE PREVIOUSLY APPROVED PDMU-98-08(Z)(G), APPROVED ON MARCH 21,2000, PDMU-98-08(Z)(G)(R-2), APPROVED ON MARCH 11, 2008 and PDMU-98-08(Z)(G)(R4), approved June 3, 2010.

EXHIBIT 8 HAS BEEN DELETED AS NOTED IN SECTION B(1) TRANSPORTATION CONDITIONS

EXHIBIT 2

Table 13.4 (Revised January 13, 2016) Cont. Summary of Wetland Impacts Proposed Within Heritage Harbour inclusive of Moore's Dairy				
Wetland I.D.	Wetland Type at Impact Locations	Impact Type	Ecological Quality of Impacted Area	Acres of Impact
Impacts associated with Heritage Harbour (original project area)				
River Marsh	Herbaceous	Road	High	0.13
River Marsh	Forest/Herb	Golf	Medium	0.16 ¹
River Marsh	Herbaceous	Marina	High	1.50
Heritage Harbour Wetland Impact Acreage Subtotal =>				27.3²
Wetland Impact Credit Available pursuant to the DO*				2.04*
Moore's Dairy				
A	Herbaceous	Residential	Very Low	0.29
B	Herbaceous	Residential	Very Low	0.60
C	Herbaceous	Residential	Low	0.00
D	Herbaceous	Residential	Very Low	0.83
E	Herbaceous	Residential	Very Low	0.50
F	Herbaceous	Residential	Low	0.00
G	Herbaceous	Residential	Very Low	0.86
H	Herbaceous	Residential	Very Low	0.03
Reserve (C & F)	Herbaceous	Residential	Low	1.03**
Moore's Dairy Wetland Impact Acreage Subtotal =>				4.14
TOTAL WETLAND IMPACT AREA =>				33.48

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

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

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

** For Moore's Dairy – indicates miscellaneous impact acreage reserved for future site plan revisions. This reserve brings the Moore's Dairy total to 4.14 acres (consistent with the previously tabulated wetland impact subtotal for Moore's Dairy per version of Table 13.4 revised October 2006).

EXHIBIT #15

Land Use Equivalency Matrix

Land Use Equivalency Rates and Minimum/Maximum Development Thresholds For Parcels 19 and 20					
Change To→	Hotel	Commercial/Retail	Office		
Change From↓	(1Room)	(1,000 SF)	(1,000 SF)	Minimum	Maximum
Hotel	---	171.5 SF	396 SF	80 rooms	300 rooms

(1 Room)					
Commercial/Retail (1,000 SF)	5.8 Rooms	---	2,308.3 SF	540,000 SF	683,000 SF
Office (1,000 SF)	2.5 Rooms	433.2 SF	---	0 SF	100,000 SF

Note: 1 Hotel Room equates to 171.5 SF of Commercial/Retail or 396 SF of Office
 1,000 SF of Commercial/Retail equates to 5.8 Hotel Rooms or 2,308.3 SF of Office
 1,000 SF of Office equates to 2.5 Hotel Rooms or 433.2 SF of Commercial/Retail
 Any land use exchanges will not exceed the substantial deviation thresholds set forth in FS.380.06(19)(b).

Land Use Equivalency Rates and Minimum/Maximum Development Thresholds for Residential Uses					
Change To→	Single Family Detached	Single Family Attached	Multi Family	Minimum	Maximum
Change From↓					
Single Family Detached (1 Unit)	---	1.97 Units	1.38 Units	1,816	2,724
Single Family Attached (1 Unit)	0.51 Unit	---	0.70 Unit	912	1,368
Multi Family (1 Unit)	0.73 Unit	1.44 Units	---	1,272	1,908

Notes: (1) The above unit type exchange rates are based on the gross trip generation numbers as determined using the mostly recently approved Traffic Impact Statement for the Project (dated December 2009). Pursuant to such study, each Single Family Detached Unit generates 0.77 gross PM peak hour trip; each Single Family Attached Unit generates 0.39 gross PM peak hour trip; and each Multi-Family Unit generates 0.56 gross PM peak hour trip. Such generation rates are specific to this Project and are not generally applicable.

(2) Example: Upon surrendering 1 Single Family Detached Unit, the Developer would be able to add up to 1.97 Single Family Attached Units, 1.38 Multi-Family Units, or a pro rata combination thereof. ...

EXHIBIT 17

PARCEL 35 LAND USE EQUIVALENCY MATRIX

Parcel 35 Land Use Equivalency Matrix

Land Uses To Be Traded		Equivalent Land Uses						Minimum	Maximum
ITE Code	Land Use Description	# of Single-Family Dwelling Units	# of Single-Family Attached Units	# of Multi-Family Apartments	# of Assisted Living Facility Beds ¹	# of Sq. Ft. Specialty Retail ²	# of Sq. Ft. Convenience Market ³		
210	Single-Family Detached (Dwelling Unit)	1.00	1.92	1.61	4.55	369.00	28.93	251	832
230	Single-Family Attached (Dwelling Unit)	0.52	1.00	0.84	2.36	191.88	15.04	167	959
220	Multi-Family Apartment (Dwelling Unit)	0.62	1.19	1.00	2.82	228.78	17.93	0	398
254	Assisted Living Facility (Bed) ¹	0.22	0.42	0.35	1.00	81.18	6.36	0	229

General Note: The calculations must always be read from left to right. Start in the "Land Uses to be Traded" column at the appropriate row and proceed horizontally to the appropriate "Equivalent Land Uses" column. The equivalent is noted at the intersection of that row and column. For example, one Single-Family Attached Dwelling Unit ("Land Uses to Be Traded", second row) can be traded into 191.88 square feet of Specialty Retail ("Equivalent Land Uses", fifth column).

General Note: All rates used are P.M. Peak Hour.

(1) Includes Group Care Home, "Small and "Large".

(2) Specialty Retail ITE Land Use Code is 826. Includes Neighborhood and General Retail Sales, Eating Establishment, Bank, Business Services, Professional Office, Clinic, Neighborhood Dry Cleaner, Day Care, Personal Service Establishment, School of Special Education, Post Office, Private Community Use, Public Community Use, Medium Intensity Recreational Use.

(3) Convenience Market ITE Land Use Code is 852. Includes Convenience Retail.

EXHIBIT 18

Table 4 - 7. Schedule of Uses – Heritage Harbour¹ - [PDMU-98-08-(G)(R7), dts #20150173/MEPS #435]

USES PROHIBITED WITHIN 500 FEET OF WATERLEFE GOLF & RIVER CLUB SUBDIVISION (*shown shaded & strike-thru*)

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Adult Day Care Center	--	P	P	P	X	X	X	P	P	X	P	X	AP	X
Agricultural Research Facilities	--	X	X	P	P	X	P	X	P	X	X	X	P	P
Agricultural Uses	531.1	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	P	P
Agricultural Products Processing Plants	531.1	X	X	X	X	P	X	X	P	X	X	X	P	P
Animal Products Processing Facility	531.1	X	X	X	X	SP	X	X	SP	X	X	X	P	P
Short Term Agricultural Uses	531.1	P	X	P	X	X	X	X	P	X	X	X	P	P
Stables or Equestrian Centers: Private	531.1	P	X	X	X	X	X	X	P	P	P	X	P	X
Stables or Equestrian Centers: Public	531.1	X	X	P	X	X	P	X	P	X	X	X	P	X
Tree Farm	531.1	X	X	X	X	X	P	X	P	X	X	X	P	X
Aircraft Landing Field	531.2	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Commercial	531.3	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Private or Public	531.3	X	X	X	X	P	P	X	P	X	X	X	X	P
Alcoholic Beverage Establishment	531.4	X	X	SP	X	SP	X	SP	SP	X	X	X	X	X
Alcoholic Beverage Establishment- 2 COP License	531.4	X	X	AP	X	X	X	X	AP	X	X	X	X	X
Animal Services (Wild and Exotic)	531.5	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
Assisted Living Facility, Large	531.44	P	P	P	X	X	P	X	P	X	X	X	P	X
Assisted Living Facility, Small	531.44	AP	AP	AP	X	X	AP	X	AP	X	X	X	AP	X
Auction Houses, Enclosed	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Auction Houses, Open	531.6	X	X	P	X	P	X	X	P	X	X	X	X	X
Bed and Breakfast	531.7	P	X	P	X	X	X	P	P	X	X	X	P	X
Breeding Facility (Non-Wild & Exotic)	531.8	X	X	P	P	P	P	X	P	X	X	X	P	X
Building Materials Sales Establishment	531.9	X	X	P	X	X	X	X	P	X	X	X	X	X
Lumberyard	531.9	X	X	X	X	P	X	X	P	X	X	X	X	P

¹ The "blue strike-through" uses are self-imposed prohibitions.

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Bus and Train Passenger Station	--	P	X	P	P	P	P	X	P	X	X	X	P	P
Business Services	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	--	X	X	P	X	P	X	X	P	X	X	X	X	
Printing, Small	--	X	P	P	X	P	X	X	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Cemetery: Human and Pet	531.11	X	X	P	X	X	P	X	P	X	X	X	X	X
Child Care Center, Large	531.12	P	P	P	P	P	P	X	P	X	X	X	P	X
Child Care Center, Medium	531.12	P	P	P	P	P	P	X	P	X	X	X	P	X
Child Care Center, Small	531.12	AP	AP	AP	X	AP	AP	X	AP	AP	AP	X	P	X
Child Care Center, (Accessory)	531.12	P	P	P	P	P	P	P	P	P	P	X	P	P
Churches /Places of Worship	531.13	P	P	P	X	X	X	X	P	X	X	X	P	X
Civic, Social, and Fraternal Organizations/Clubs	531.14	P/SP	P	X	X	X	X	P	P	P	P	X	P	X
Clinics	--	X	P	P	X	X	P	X	P	X	X	X	X	X
Community Residential Homes	531.44	P	X	X	X	X	P	X	P	P	P	X	P	X
Correctional Facilities: Community	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Correctional Facilities: Major	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Cultural Facilities	531.15	P	P	P	P	P	P	P	P	X	X	X	P	P
Drive-Through Establishments	531.16	X	X	P	P	P	X	X	P	X	X	X	X	P
Earthmoving, Major	702	X	X	X	X	X	X	X	X	X	X	X	X	P
Earthmoving, Minor	702	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Emergency Shelters	531.44	P	P	P	X	X	X	P	P	X	P	X	AP	X
Emergency Shelter Home	531.44	P	P	P	X	X	X	P	P	X	P	X	AP	X
Environmental Land Preserves, Public and Private	531.17	P	P	P	P	P	P	P	P	P	X	X	P	X
Equipment sales, rental and leasing, heavy	531.18	X	X	P	X	P	X	X	P	X	X	X	X	P
Construction equipment	531.18	X	X	P	X	P	P	X	P	X	X	X	X	X
Equipment Sales, rental and leasing, light	--	X	X	P	X	P	X	X	P	X	X	X	X	
Environmental Education Facilities	--	AP	X	X	X	X	AP	X	AP	X	X	X	AP	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Family Day Care Home	--	P	X	X	X	X	P	X	P	P	P	X	P	X
Farming Service Establishments	531.18	X	X	P	X	X	X	X	P	X	X	X	P	P
Farm Worker Housing	531.19	X	X	X	X	X	X	X	X	X	X	X	X	X
Flea Markets: Enclosed	531.20	X	X	P	X	X	X	X	P	X	X	X	X	X
Flea Markets: Open	531.20	X	X	P	X	X	X	X	P	X	X	X	X	X
Food Catering Service Establishment	531.21	X	X	P	X	P	X	X	P	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	X	X	X	X	P	X	X	X	P	X
Funeral Home	531.22	X	P	P	X	X	X	X	P	X	X	X	X	X
Game Preserve	--	X	X	P	X	X	P	X	P	X	X	X	X	X
Gas Pumps	531.50	X	X	P	P	P	P	P	P	P	X	X		P
Group Housing	531.23	X	X	X	X	X	P	X	P	X	X	X	X	X
Hazardous Waste Transfer Facility	--	X	X	X	X	P	P	X	P	X	X	X	X	X
Heliport	--	X	X	P	X	P	P	X	P	X	X	X	X	P
Helistop	531.24	P	P	P	P	P	P	AP	P	X	X	X	P	P
Hospital	--	X	X	X	X	X	P	X	P	X	X	X	X	X
Industrial, Heavy	--	X	X	X	X	P	X	X	P	X	X	X	X	P
Firework/Sparkler Manufacture	531.25	X	X	X	X	P	X	X	X	X	X	X	X	X
Industrial, Light	--	X	X	X	P	P	P	X	P	X	X	X	X	P
Intensive Services:														
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	SP	SP	X	AP	X	P
Intensive Services: Motor Pool Facilities	531.26	X	X	X	X	P	P	X	P	X	X	X	X	P
Intensive Services: Printing, Heavy	--	X	X	X	X	P	X	X	X	X	X	X	X	
Intensive Services: Industrial Service Establishment	531.26	X	X	P	P	P	X	X	P	X	X	X	X	P
Intensive Services: Sign Painting Service	531.26	X	X	P	X	P	P	X	P	X	X	X	X	X
Intensive Services: Taxi Cab, Limousine Service	531.26	X	X	P	X	P	X	X	P	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	531.26	X	X	P	X	P	X	X	P	X	X	X	X	P
Intermodal Terminal	--	X	X	X	X	P	P	X	P	X	X	X	X	P
Junkyards	531.27	X	X	X	X	X	X	X	P	X	X	X	X	X

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Laboratories, Medical and Dental	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Lodging Places: Boarding House	531.28	P	X	X	X	X	X	X	P	X	X	X	X	X
Lodging Places: Dormitories	531.28	P	X	X	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hospital Guest House	531.28	X	X	P	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hotel/motel	531.28	X	X	P	P	p ²	P	P	P	X	X	X	X	P
Mining	531.30	X	X	X	X	X	P	X	X	X	X	X	X	X
Mini Warehouses, Self-storage	531.31	X	X	P	X	P	X	X	P	X	X	X	X	X
Mobile Homes, Individual	531.32	X	X	X	X	X	X	X	X	X	P	X	X	X
Mobile Home Parks	--	X	X	X	X	X	X	X	P	X	P	X	X	X
Mobile Home Subdivisions	--	X	X	X	X	X	X	X	P	X	P	X	X	X
Motor Freight Terminal/Maintenance	531.34	X	X	X	X	P	X	X	P	X	X	X	X	P
Bus RR/Maintenance Facility	531.34	X	X	X	X	P	P	X	P	X	X	X	X	X
Nursing Homes	531.35	X	P	P	X	X	P	X	P	X	X	X	X	X
Office, Medical or Professional	--	X	P	P	P	P	P	P	P	P	X	X	X	X
Miscellaneous Services: Office	--	X	P	P	P	P	P	P	P	X	X	X	P	X
Banking: Bank	--	X	P	P	P	P	X	X	P	X	X	X	X	X
Banking: Bank/Drive-through	--	X	P	P	P	P	X	X	P	X	X	X	X	P
Outdoor Advertising Signs	--	X	X	P	X	P	X	X	X	P	X	X	X	P
Outdoor Storage (Principal Use)	531.36	X	X	P	X	P	X	X	X	X	X	X	X	P
Parking, Commercial (Principal Use)	--	X	P	P	P	P	P	P	P	X	X	X	X	X
Personal Service Establishment	--	P	P	P	P	P	P	X	P	P	P	X	P	X
Dry Cleaners: General	--	X	X	P	X	P	P	X	P	X	X	X	X	X
Dry Cleaners: Neighborhood	--	X	P	P	P	P	P	X	P	X	X	X	X	X
Dry Cleaners: Pick-up	--	X	P	P	P	P	P	X	P	X	X	X	P	P
Rental Service Establishment	--	X	X	P	P	P	X	X	P	X	X	X	X	
Repair Service Establishment	--	X	X	P	P	X	P	X	P	X	X	X	X	X
Personal Wireless Service Facilities	531.37	See Section 531.34												
Pet Service (Kennel) Establishments	531.38	X	X	P	P	X	X	X	P	X	X	X	P	X
Public Community Uses	531.39	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP/SP	P

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Public Use Facilities	531.40	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Post Offices	--	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X	AP	P
Radio, TV, Communications, Microwave Facilities	--	X	X	P	P	P	P	X	P	X	X	X	X	P
Railroad Switching/Classification Yard	--	X	X	X	X	P	P	X	X	X	X	X	X	P
Recreation, High Intensity	531.41	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Low Intensity	531.41	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	X
Recreation, Medium Intensity	531.41	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Passive	531.41	P	P	P	P	P	P	P	P	P	P	AP		P
Recreation, Rural	531.41	X	X	X	X	P	P	X	X	X	X	X	X	X
Recreational Vehicle Parks and subdivisions	531.42	X	X	P	X	X	X	X	X	P	X	X	X	X
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	P	X	X	X	X	P	X	X	X		X
Rehabilitation Center	531.44	P	P	P	P	P	P	P	P	P	P	X	P	X
Research and Development Activities	--	X	X	X	P	P	P	X	P	X	X	X	X	P
Recovery Home, Large	531.45	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Small	531.45	P	P	P	X	X	P	X	P	P	P	X	P	X
Residential Treatment Facilities	531.46	P	X	X	X	X	P	X	P	X	X	X	P	X
Residential Use: Duplexes	531.47	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Single Family Semi-Detached Dwellings	531.47	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Multiple Family Dwellings	531.47	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	531.47	P	X	X	X	X	X	P	P	X	X	X	X	X
Residential Use: Waterfront Structures, Multi-Family	531.47	P	X	X	X	X	X	P	P	X	X	X	P	X
Residential Use: Waterfront Structures (Residential)	531.47	AP	X	X	X	X	X	AP	AP	AP	AP	X	AP	X
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	531.47	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Detached Dwellings	531.47	P	X	X	X	X	P	P	P	X	X	X	P	X
Restaurant	531.48	X	P	P	P	P	X	P	P	X	X	X	X	P

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
Retail Sales, Neighborhood Convenience	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Retail Sales, Neighborhood General	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Retail Sales, General	531.49	X	X	P	P	P	X	P	P	P	P	X		X
Sawmills	531.1	X	X	X	X	P	X	X	P	X	X	X	X	P
Schools, College/Universities	531.50	X	X	X	X	X	P	X	P	X	X	X	X	X
Schools, Elementary	531.50	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools, High and Middle	531.50	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools of Special Education	531.50	P	P	P	P	X	P	X	P	X	X	X	P	X
Service Station	531.51	X	X	P	X	P	X	X	P	X	X	X		P
Sexually Oriented Businesses	531.52	See Section 531.49												
Slaughterhouses	531.1	X	X	X	X	SP	X	X	P	X	X	X	X	X
Solid Waste Management Facilities	531.53	X	X	P	X	P	P	X	P	X	X	X	X	X
Landfills	531.53	X	X	X	X	X	P	X	X	X	X	X	X	X
Stockyards and Feedlots	531.1	X	X	X	X	P	P	X	P	X	X	X	X	X
Utility Use	531.54	SP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP/S P	AP	P
Vehicle Repair: Major	531.55	X	X	P	X	P	X	X	P	X	X	X	X	P
Vehicle Repair: Community Serving	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Vehicle Repair: Neighborhood Serving	--	X	X	P	X	P	X	X	P	X	X	X	X	X
Vehicle Sales, Rental, Leasing	531.56	X	X	P	X	P	X	X	P	X	X	X		X
Veterinary Clinic	531.57	X	P	P	P	X	X	X	P	X	X	X	P	X
Veterinary Hospitals	531.57	X	X	P	X	P	P	X	P	X	X	X	X	X
Warehouses	531.58	X	X	X	P	P	P	X	P	X	X	X	P	X
Water Dependent Uses		X	X	X	X	X	X	P	P	X	X	X	X	X
Wholesale Trade Establishment		X	X	P	P	P	X	X	P	X	X	X	X	X

AP = Administrative Permit; SP = Special Permit, P = Permitted,
X = Not Permitted

AP/SP = Administrative Permit required as specified in Chapter 3 or elsewhere in this Code.

NOTES:

- Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop.
- Uses may be further restricted or modified by the overlay district regulations.

- Notwithstanding the development review procedures set forth in this table or any other provision of this Code, the development review procedures required pursuant to Chapter 3 shall control when the project requires Special Approval pursuant to any provision of the Comprehensive Plan.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 11, 2016

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDMU-98-08(G)(R7), which was filed in this office on May 11, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb