

Body REVISED
from 8-22-16
meeting, Heading
remained the same.

RESOLUTION 16-R52

ITEM: 11A
DATE: 9/12/16

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE RIVERLAND/KENNEDY APPLICATION FOR DEVELOPMENT APPROVAL, A DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS AN AMENDED AND RESTATED DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW; AND PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, on July 19, 2004, the City of Port St. Lucie, Florida ("City"), entered into that certain Annexation Agreement to establish the terms and conditions upon which approximately 9,451 acres of agricultural land in unincorporated St. Lucie County, Florida ("Western Annexation Area"), would be annexed into the City for the purpose of urban development; and

WHEREAS, the signatories to the Annexation Agreement included St. Lucie Associates II, LLP, and St. Lucie Associates III, LLP, the owners of 2,550 acres known as Riverland Groves; and Horizons Acquisition 2, LLC, owner of 1,295 acres known as Kennedy Groves, both located in the Western Annexation Area; and

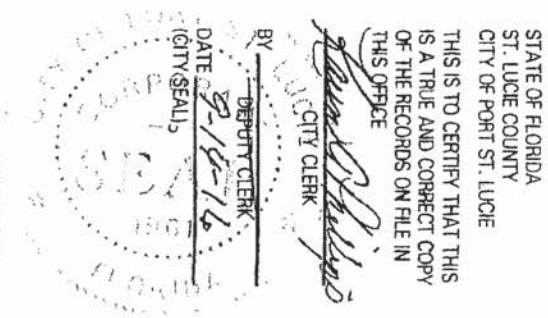
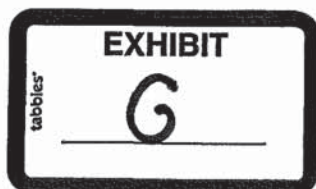
WHEREAS, Riverland/Kennedy, LLP, ("Developer") is a Florida limited liability partnership with its principal place of business in Sunrise, Florida, and is the successor in interest of Horizons Acquisition 2, LLC, and St. Lucie Associates II, LLP, and St. Lucie Associates III, LLP, for purposes of this development order and authorized by the current landowners of the DRI Property (as hereinafter defined); and

WHEREAS, the Riverland/Kennedy Development of Regional Impact ("Project") is a proposed mixed-use development of regional impact to be located on approximately 3,845 acres located in the Western Annexation Area, as more particularly described in Composite Exhibit "A" ("DRI Property"); and

WHEREAS, on August 16, 2004, the Treasure Coast Regional Planning Council ("TCRPC") convened a pre-application conference at which the predecessors in interest to the Developer and various agencies addressed methodology issues and other preliminary matters concerning the Project; and

WHEREAS, on September 13, 2005, pursuant to section 380.06, F.S., the predecessors in interest to the Developer filed an Application for Development Approval for the Project, to be located on the DRI Property, and supplemented it with two sufficiency responses (dated February 28, and May 18, 2006) and,

WHEREAS, on June 7, 2006, the predecessors in interest to the Developer submitted a revised Application for Development Approval, which incorporated and



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reflected the original Application for Development Approval and the sufficiency responses; and

WHEREAS, complete copies of these submissions and other review materials were provided to the City of Port St. Lucie ("City"); the Florida Department of Community Affairs ("DCA"); TCRPC, and other review agencies; and

WHEREAS, under contract to the City, the TCRPC prepared the Western Annexation Traffic Study (dated January, 2006) ("WATS") for the Project and other proposed developments within the Western Annexation Area, and

WHEREAS, on May 24, 2006, the application and supporting materials were determined to be sufficient for purposes of review; and

WHEREAS, notice regarding public hearings for the Application for Development Approval was provided by publication in the Port St. Lucie News on June 16, 2006; and

WHEREAS, on August 18, 2006, the TCRPC recommended approval of the Application for Development Approval with conditions; and

WHEREAS, on September 6, 2006, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on the Application for Development Approval and recommended approval with conditions; and

WHEREAS, on September 25, 2006, the City Council of the City of Port St. Lucie ("City Council") held a public hearing to consider the Project, the TCRPC regional report, and comments upon the record made at said public hearing, afforded all interested persons an opportunity to be heard and present evidence, and adopted Resolution No. 06-R78, approving the Project subject to conditions; and

WHEREAS, on May 16, 2007, the Developer submitted Notification of Proposed Change No. 1 ("NOPC No. 1") to TCRPC to amend certain conditions of approval for the Project regarding transportation and affordable housing, with complete copies to the City, DCA and other review agencies; and

WHEREAS, the Legislature has enacted and the Governor has signed into law Chapter 2007-204, Laws of Florida, which provides that "all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension, and such extensions are not a substantial deviation and may not be considered when determining whether a subsequent extension is a substantial deviation; and

WHEREAS, on August 7, 2007, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 1 and recommended approval; and

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WHEREAS, on August 27, 2007, the City Council held a public hearing to consider NOPC No. 1, the TCRPC regional report, and comments upon the record made at said public hearing, afforded all interested persons an opportunity to be heard and present evidence, and adopted Resolution No. 07-R70, approving the Project subject to conditions; and

WHEREAS, on March 8, 2011, the Developer submitted Notification of Proposed Change No. 2 ("NOPC No. 2") to TCRPC to amend certain conditions of approval for the Project regarding the phasing, buildout and expiration dates; transportation; environmental and natural resources; and human resource issues, with complete copies to the City, DCA and other review agencies; and

WHEREAS, the 3 year extension provided by Chapter 2007-204, Laws of Florida for all phase dates was inadvertently not reflected in the phasing of the Transportation Conditions in Resolution No. 07-R70 and is now being applied to Tables 3, 4 and 5; and

WHEREAS, on June 2, 2011, Governor Scott signed into law House Bill 7202, which extends for 4 years all commencement, phase, buildout and expiration dates (including associated mitigation requirements) for projects that are currently valid developments of regional impact, regardless of any previous extension. HB 7207 further provides that the 4-year extension is not a substantial deviation; and

WHEREAS, on June 13, 2011, by virtue of Executive Order 11-128, Governor Scott declared a state of emergency for the entire State of Florida due to the ongoing danger of wildfires. Governor Scott subsequently extended Executive order 11-128 two times – once for 60 days (to October 4, 2011) by virtue of Executive Order 11-172 issued on August 5, 2011 and then for an additional 30 days (to November 3, 2011) by virtue of Executive Order 11-202 issued on October 4, 2011. The duration of the emergency declaration was thus 126 days (i.e., from July 1, 2011 to November 3, 2011).

Chapter 2011-142, Laws of Florida, provides that a declaration of state of emergency by the Governor tolls specified permits and authorizations, including development orders and build-out dates, for the duration of the emergency declaration, and extends such permits and authorizations for 6 months in addition to the tolling period.

WHEREAS, on June 5, 2012, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 2 and recommended approval; and

WHEREAS, On June 25, 2012, by virtue of Executive Order 12-140, Governor Scott declared a state of emergency for the entire State of Florida due to Tropical Storm Debby. The duration of this executive order is 60 days which together with an additional 6 month tolling as provided under Florida Statute Section 252.363 allows for

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a total of an 8 month extension to development orders and build out dates for Developments of Regional Impact; and

WHEREAS, on July 9, 2012, the City Council held a public hearing to consider NOPC No. 2, the TCRPC letter, and comments upon the record made at said public hearing, and afforded all interested persons an opportunity to be heard and present evidence; and

WHEREAS, on July 9, 2012 the public hearing was continued until August 13, 2012; and

WHEREAS, on August 13, 2012 the public hearing was continued until September 10, 2012; and

WHEREAS, on August 25, 2012, by virtue of Executive order 12-199, Governor Scott declared a state of emergency for the entire State of Florida due to Tropical Storm Isaac. On October 22, 2012, by virtue of Executive Order 12240, Governor Scott extended Executive Order 12-199 until November 21, 2012 for certain counties, including St. Lucie County. The duration of the emergency declaration for Tropical Storm Isaac for St. Lucie County was thus 88 days, which together with an additional 6 months tolling as provided under Florida Statute section 252.363 allows for a total of a 9 month extension to development orders and build-out dates for Developments of Regional Impact, and

WHEREAS, on September 10, 2012 the public hearing was continued until October 8, 2012, and

WHEREAS, on October 8, 2012 the public hearing was continued until December 10, 2012, and

WHEREAS, on December 10, 2012 the public hearing was continued until January 14, 2013, and

WHEREAS, on January 14, 2013 the public hearing was continued until February 11, 2013.

WHEREAS, on February 11, 2013 Resolution 12-R69 was tabled to a date not certain.

WHEREAS, on January 26, 2015, the City Council held a public hearing to consider NOPC No. 2 and adopted Resolution No. 12-R69, approving the Project subject to conditions; and

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WHEREAS, on August 28, 2015, by virtue of Executive Order 15-173, Governor Scott declared a state of emergency for the entire State of Florida due to Tropical Storm Erika. The duration of the emergency declaration for Tropical Storm Erika for St. Lucie County was thus 60 days, which together with an additional 6 months tolling as provided under Florida Statute Section 252.363 allows for a total of a 8 month extension to development orders and build-out dates for Developments of Regional Impact, and

WHEREAS, on February 26, 2016, by virtue of Executive Order 16-59, Governor Scott declared a state of emergency for certain counties, including St. Lucie County, due to discharges of harmful water from Lake Okeechobee. The duration of the emergency declaration was thus 60 days, which together with an additional 6 months tolling as provided under Florida Statute Section 252.363 allows for a total of a 8 month extension to development orders and build-out dates for Developments of Regional Impact, and

WHEREAS, on April 26, 2016, the Developer submitted Notification of Proposed Change No. 3 ("NOPC No. 3") to the TCRPC to amend the phasing, buildout, and expiration dates and Map H, the Master Development Plan, with complete copies to the City, DEO and other review agencies; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

FINDINGS OF FACT

The City Council, having considered all the documents, comments, testimony and evidence presented to it, finds as follows:

1. The above recitals are true and correct, and are incorporated into this Development Order by this reference.
2. The Project as modified is consistent with the State Comprehensive Plan.
3. The Project as modified is consistent with the Port St. Lucie Comprehensive Plan and the Port St. Lucie Land Development Regulations.
4. The Project as modified is consistent with the TCRPC's Riverland/Kennedy Development of Regional Impact Assessment Report dated August 2006.
5. The Project is not located in an area of critical state concern designated pursuant to section 380.05, F.S.

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6. This Development Order includes adequate provisions for the public facilities needed to accommodate the impacts of the proposed development pursuant to the requirements of Section 380.06, F.S.
7. NOPC No. 2 3 and its supporting documentation were reviewed as required by Chapter 380, F.S., and the local land development regulations and are incorporated into this Development Order by this reference.
8. NOPC No. 2 3 does not constitute a substantial deviation from the Development Order adopted by the City Council on September 25, 2006 and is otherwise approved, subject to the conditions set forth in this Development Order.

CONCLUSIONS OF LAW

The City Council, having made the findings of fact set forth above, makes the following conclusions of law:

9. The City Council is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 380, F.S., to issue this Development Order.
10. The Project as modified is approved for development pursuant to section 380.06, F.S., on the DRI Property attached as Composite Exhibit "A", subject to the conditions of approval set forth in Exhibit "B" of this Development Order and the Equivalency Matrix attached as Exhibit "C", both of which are incorporated into this Development Order by this reference.
11. Development shall be located substantially as depicted on the Master Development Plan (Map H) attached as Exhibit "D", which is incorporated into this Development Order by reference.
12. Development shall be consistent with the Port St. Lucie Comprehensive Plan, the Port St. Lucie Land Development Regulations and this Development Order.
13. Within 10 days after adoption of this Development Order, the City Clerk shall render copies of this Development Order with all attachments, certified as complete and accurate, by certified mail (return receipt requested) to the Developer, ~~DCA~~ the Department of Economic Opportunity and TCRPC as required by Rule ~~9J2.025(5)~~ 73C-40.025, F.A.C.
14. This Development Order shall take effect, ~~following rendition, as provided by law upon the effective date of the amendments to the City of Port St. Lucie Comprehensive Plan adopted pursuant to Ordinance 16-29.~~

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15. Notice of the adoption of this Development Order or any amendment shall be recorded by the Developer, within 30 days after its effective date, in accordance with sections 28.222 and 380.06(15)(f), F.S., with the Clerk of the Circuit Court of St. Lucie County, Florida. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Port St. Lucie Planning and Zoning Department within seven days after recordation.
16. The Project as modified shall not be subject to down-zoning, unit density reduction or intensity reduction or other reduction of approved land uses before the expiration date of this Development Order, unless either (a) the Developer consents to such a change, or (b) the City demonstrates that a substantial change in the conditions underlying the approval of the Development Order has occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City as essential to the public health, safety or welfare.
17. This Development Order shall not preclude the City from requiring the payment of impact fees and/or other fees for development or construction within the Project, provided such fees are assessed in accordance with a duly adopted ordinance and are charged to all other similarly situated developers for the same activities within all other areas of the City.
18. In the event that the Developer violates any condition of this Development Order, or otherwise fails to act in substantial compliance with this Development Order, the City may stay the effectiveness of this Development Order on the identifiable tract or parcel, or portion of the tract or parcel owned by the person or entity violating the condition, and within the DRI Property described in Exhibit "A", after a stated compliance date. The Developer shall be given a written notice of violation by the City and a reasonable period of time to cure the violation. The Developer may petition the City Council for review of the notice of violation, prior to the stated compliance date, and said review shall be conducted at a public hearing. Filing of a petition for review shall delay the effectiveness of the notice of violation until the review has been conducted. If the violation has not been cured or corrected by the stated compliance date, all further development permits, approvals and services for the development said tract or parcel, or portion of tract or parcel, shall be withheld until the violation is corrected. For purposes of this condition, the terms "tract" and "parcel" shall mean "any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit, located within the DRI Property legally described in Exhibit 'A' attached hereto and the Master Development Plan (Map H) in the ADA."

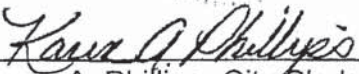
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19. Upon request, and in accordance with the City's adopted certificate of concurrency fee, in the development review fee schedule, the City shall provide to the Developer a letter stating whether the portion of the Project at issue is in compliance with applicable conditions of this Development Order.
20. Pursuant to Section 380.06(5)(c), F.S., the Project shall be bound by the rules adopted pursuant to Chapters 373 and 403, F.S., in effect at the time of issuance of this Development Order.
21. Compliance with this Development Order shall be monitored through normal City permitting procedures, the procedures listed in the specific conditions of approval, and review of the biennial report. The local official responsible for assuring compliance with this Development Order is the Director of Planning and Zoning.
22. This Developer Order shall be binding upon the Developer and its assigns or successors in interest. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.
23. It is declared to be the City's intent that, if any section, subsection, sentence, clause, condition or provision of this Development Order is held to be invalid by a court of competent jurisdiction, the remainder of this Development Order shall be construed as not having contained said section, subsection, sentence, clause, condition or provision and shall not be affected by such holding.

PASSED AND ADOPTED on this 12th day of September, 2016.

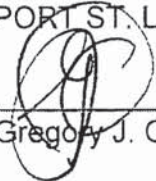


ATTEST:




Karen A. Phillips, City Clerk

CITY COUNCIL OF THE CITY OF
PORT ST. LUCIE, FLORIDA



Gregory J. Oravec, Mayor

APPROVED AS TO FORM:



O. Reginald Osenton, City Attorney

COMPOSITE EXHIBIT "A"
LEGAL DESCRIPTION OF DRI PROPERTY

EXHIBIT "A"

Legal Description

The following is a legal description of the Riverland/Kennedy development site.

TRACT 1

Being a parcel of land lying in Sections 18 and 19, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964, and revised January 1965; thence along said East right-of-way line North 00°08'30" East a distance of 5,299.86 feet to the point of beginning; thence North 00°00'21" East along said East right-of-way a distance of 1,672.32 feet; thence South 89°50'39" East along a line that is parallel to and 23 feet Southerly of as measured at right angles of the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 5,203.43 feet; thence South 00°04'29" West a distance of 2,985.64 feet; thence North 89°48'47" West a distance of 1,403.45 feet; thence North 00°10'23" East a distance of 1,316.04 feet; thence North 89°53'48" West a distance of 3,800.22 feet to the point of beginning.

TRACT 2

Being a parcel of land lying in Section 16 and 17, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map dated 11/5/64 and revised January, 1965; thence along said East right-of-way line North 00°08'30" East a distance of 5299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1695.32 feet; thence South 89°50'39" East along North line of those lands described in Official Record Book 477, Page 560; Public Records, St. Lucie County, Florida, a distance of 10415.79 feet; thence South 00°26'45" West, a distance of 23.00 feet to the Point of Beginning; thence South 89°50'39" East, along a line parallel with and 23.00 feet Southerly of, as measured at right angles, said North line, a distance of 325.77 feet; thence South 00°09'36" West, a distance of 346.66 feet; thence North 89°34'48" West, a distance of 327.49 feet; thence North 00°26'45" East, a distance of 345.16 feet, to the Point of Beginning.

TRACT 3

Being a parcel of land lying in Sections 15, 16, 21 and 22, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence along said East right-of-way line North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East a distance of 1,695.32 feet; thence South 89°50'39" East along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 13,054.71 feet; thence South 00°08'07" West a distance of 23.00 feet, to the point of beginning; thence South 89°50'39" East along a line parallel with and 23.00 feet Southerly of said North line a distance of 2,786.05 feet; thence South 00°03'59" West a distance of 2,981.70 feet; thence North 89°52'17" West a distance of 2,789.64 feet; thence North 00°08'07" East a distance of 2,983.03 feet to the point of beginning.

TRACT 4

Being a parcel of land lying in Sections 19, 20, 21, 22, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence along said East right-of-way line North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1,695.32 feet; thence South 89°50'39" East along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 4,326.38 feet; thence North 89°49'45" West, a distance of 100.00 feet, to the point of beginning; thence South 00°03'59" West, a distance of 2,663.35 feet; thence North 89°51'58" West, a distance of 1,216.64 feet; thence North 46°07'25" West, a distance of 348.56 feet; thence North 89°51'58" West, a distance of 323.58 feet; thence South 45°44'22" West, a distance of 344.49 feet; thence North 89°51'58" West, a distance of 809.89 feet; thence North 89°49'36" West, a distance of 2,513.26 feet to the Southwest corner of said Section 21 and the Northeast corner of Alan Wilson Grove as recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 89°51'07" West, along the South line of those lands described in said Official Records Book 477, Page 560, a distance of 2,644.43 feet;

thence North 89°53'37" West along said South line, a distance of 2,643.99 feet; thence North 89°45'07" West, along said South line, a distance of 496.49 feet; thence North 00°04'55" East, a distance of 1,362.59 feet; thence South 89°46'09" East, a distance of 3,175.72 feet; thence North 00°10'32" East, a distance of 1,309.15 feet; thence South 89°49'45" East, a distance of 7,967.68 feet to the point of beginning.

TRACT 5

Being a parcel of land lying in Section 28, Township 37 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence along said East right-of-way line, North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1,695.32 feet; thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet; thence South 00°5'34" West along the East line of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida, a distance of 7,589.65 feet; thence South 89°59'09" West, a distance of 98.50 feet to the point of beginning; thence South 00°03'59" West, a distance of 2,001.74 feet; thence North 89°51'37" West a distance of 2,600.04 feet; thence North 00°05'22" East, a distance of 1,994.75 feet; thence North 89°59'09" East, a distance of 2,599.23 feet to the point of beginning.

TRACT 6

Being a parcel of land lying in Section 33, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence, along said East right-of-way line, North 00°08'30" East, a distance of 5,299.86 feet; thence continue along said East right-of-way line North 00°0'21" East, a distance of 1,695.32 feet; thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet; thence South 00°05'34" West, along the East line of those lands described in Official Records Book 477, Page 576, Public Records of St. Lucie County, Florida, a distance of 13,516.19 feet; thence North 89°47'44" West, a distance of 95.77 feet to the point of beginning, thence South 00°03'59" West, a distance of 2,637.63 feet; thence North 89°48'22" West, a distance of 2,616.79 feet; thence North 00°15'31" West, a distance of 669.74 feet;

thence North 78°38'37" West, a distance of 82.27 feet; thence North 00°16'40" West, a distance of 632.00 feet; thence South 89°50'28" East, a distance of 147.25 feet; thence North 00°29'50" West, a distance of 1,320.48 feet; thence South 89°47'44" East, a distance of 2,570.80 feet to the point of beginning.

TRACT 7

Being a parcel of land lying in Sections 15, 16, 17, 18, 19, 21, 22, 27, 28, 33 and 34, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965; thence, along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence continue North along said East right-of-way line, North 00°00'21" East, a distance of 1672.32 feet, to the Point of Beginning; thence continue North 00°00'21" East, a distance of 23.00 feet, to the Northwest corner of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida; thence South 89°50'39" East, along the Northerly line, of said described lands, a distance of 15,942.73 feet, to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 17,341.95 feet, to the North right-of-way line of the South Florida Water Management District Canal C-23; thence North 89°54'26" West, along the North line, of said C-23 canal, a distance of 94.00 feet; thence North 00°03'59" East, a distance of 17,319.06 feet; thence North 89°50'39" West on a line parallel with and 23.00 feet Southerly of, as measured at right angles, to the North line of those lands described in said Official Records Book 477, Page 560, a distance of 15,840.71 feet to the Point of Beginning.

TRACT 8

Being a parcel of land lying in Sections 16, 17, 19, 20 and 21, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965, said point being the Point of Beginning; thence along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence South 89°53'48" East, a distance of 3800.22 feet; thence South 00°10'23" West, a distance of 1316.54 feet; thence South 89°48'47" East, a distance of 1403.45 feet; thence North 00°04'29" East, a distance of 2985.64 feet; thence

South 89°50'39" East, along a line that is parallel with and 23 feet Southerly of, as measured at right angles, to the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 5212.19 feet; thence South 00°26'45" West, a distance 345.16 feet; thence South 89°34'48" East, a distance of 327.49 feet; thence North 00°09'36" East, a distance of 346.66 feet; thence South 89°50'39" East, along the aforesaid parallel line, a distance of 2313.27 feet; thence South 00°08'07" West, a distance of 2983.03 feet; thence South 89°52'17" East, a distance of 2789.64 feet; thence South 00°03'59" West, a distance of 1321.65 feet; thence North 89°49'45" West, a distance of 7967.68 feet; thence South 00°10'32" West, a distance of 1309.15 feet; thence North 89°46'09" West, a distance of 3175.72 feet; thence South 00°04'55" West, a distance of 1362.59 feet to the South line of Section 19 and the South line of those lands described in the aforesaid Official Records Book 477, Page 560; thence North 89°45'07" West, along the aforesaid South line of Section 19, a distance of 2125.58 feet, to the South quarter corner, of said Section 19; thence North 89°59'37" West, along the said South line of said Section 19, a distance of 2574.08 feet to the Point of Beginning.

TRACT 9

Being a parcel of land lying in Sections 28 and 33, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at the intersection, of the North line of Section 30, Township 37 South, Range 39 East, and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965, thence along said East right-of-way line North 00°08'30" East, a distance of 5299.86 feet; thence continue North along said right-of-way North 00°0'21" East, a distance of 1695.32 feet, thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet, to the Northeast corner, of those lands described in Official Records Book 577, Page 676, Public records of St. Lucie County, Florida; thence South 00°05'34" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 9591.65 feet; thence North 89°51'37" West, a distance of 97.58 feet, to the point of beginning; thence South 00°03'59" West, a distance of 3924.43 feet; thence North 89°47'44" West, a distance of 2570.80 feet; thence South 00°29'50" East, a distance of 1320.48 feet; thence North 89°50'28" West, a distance of 147.25 feet; thence South 00°16'40" East, a distance of 632.00 feet; thence South 78°38'37" East, a distance of 82.27 feet; thence South 00°15'31" East, a distance of 669.74 feet; thence South 89°48'22" East, a distance 2616.79 feet; thence South 00°03'59" West, a distance of 1188.32 feet, to the North right-of-way line, of the South Florida Water Management District Canal C-23; thence North 89°54'26" West, along said North right-of-way line, a distance of 2482.99 feet; thence North 00°21'02" East, a distance of 1158.72 feet; thence North 89°45'28" West, a distance of 2797.52 feet, to a point on the West line of said Section 33. Said line also being the East line of the Allan Wilson Grove, as

recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 00°28'07" West, along said West line of Section 33, a distance of 3988.85 feet, to the Northwest corner of said Section 33, thence North 00°28'37" West, along the West line of Section 28, a distance of 5203.53 feet, to the Northwest corner of said Section 28; thence South 89°49'36" East, a distance of 2513.26 feet; thence South 00°04'40" East, a distance of 607.61 feet; thence North 89°59'09" East, a distance of 247.31 feet; thence South 00°05'22" West, a distance of 1994.75 feet; thence South 89°51'37" East, a distance of 2600.04 feet to the Point of Beginning.

TRACT 10

Being a parcel of land lying in Section 28, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection, of the North line of Section 30, Township 37 South, Range 38 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965, thence along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence continuing North along said East right-of-way North 00°0'21" East, a distance of 1695.32 feet, thence South 89°50'39" East, along the North line of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida, a distance of 15,942.73 feet, to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along said East line, of said lands, a distance of 6989.66 feet; thence North 89°51'58" West, a distance of 98.78 feet, to the Point of Beginning; thence South 00°03'59" West, a distance of 600.24 feet; thence South 89°59'09" West, a distance of 2846.55 feet; thence North 00°04'40" West, a distance of 607.61 feet thence South 89°51'58" East, a distance of 809.89 feet; thence North 45°44'22" East, a distance of 344.49 feet; thence South 89°51'58" East, a distance of 323.58 feet; thence South 46°07'25" East, a distance of 348.56 feet; thence South 89°51'58" East, a distance of 1216.64 feet to the Point of Beginning.

TRACT 11

Being a parcel of lands lying in Section 33, Township 37 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:

Commence at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609, as shown on the Florida Department of Transportation right-of-way map dated November 5, 1964 and revised January 1965; thence, along said East right-of-way line, North 00°08'30" East, a distance of 5299.86 feet; thence North 00°0'21" East, continuing along said East right-of-way line, a distance of 1695.32 feet, to the Northwest corner of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida; thence South 89°50'39" East, along the North

line of those lands described in said Official Records Book 477, Page 560, a distance of 15,942.73 feet to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°05'34" West, along those lands described in said Official Records Book 557, Page 676, a distance of 17,341.95 feet, to the North line of the South Florida Water Management District Canal C-23; thence North 89°54'26" West, along said North line of C-23 canal, a distance of 2576.99 feet, to the Point of Beginning; thence continue North 89°54'26" West, along said North right-of-way line, a distance of 2780.87 feet to the West line of said Section 33 and the East line of the Allan Wilson Grove, as recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 00°28'07" West, along said West line of Section 33, a distance of 1166.06 feet; thence South 89°45'28" East, a distance of 2797.52 feet; thence South 00°21'02" West, a distance of 1158.72 feet, to the Point of Beginning.

OVERALL TRACTS

The following is a sum total of the legal descriptions of the individual tracts listed above:

Being a parcel of land lying in Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 33 and 34, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Begin at the intersection of the North line of Section 30, Township 37 South, Range 39 East and the East right-of-way line of State Road 609 as shown on the Florida Department of Transportation right-of-way map, dated November 5, 1964 and revised January 1965, thence, along said East right-of-way line, North 00°07'39" East, a distance of 2649.52 feet; thence continue North along said East right-of-way line, through the following 2 courses, North 00°09'04" East, a distance of 2650.14 feet; thence North 00°00'42" West, a distance of 1695.52 feet, to the Northwest corner of those lands described in Official Records Book 477, Page 560, Public Records of St. Lucie County, Florida; thence South 89°51'42" East, along the Northerly line, of said described lands, a distance of 15,942.73 feet, to the Northeast corner of those lands described in Official Records Book 557, Page 676, Public Records of St. Lucie County, Florida; thence South 00°04'31" West, along the East line of those lands described in said Official Records Book 557, Page 676, a distance of 17,342.11 feet, to the North right-of-way line, of the South Florida Water Management District Canal C-23; thence North 89°55'29" West, along the North line of said C-23 canal, a distance of 5361.56 feet; to the West line of said Section 33 and the East line of the Allan Wilson Grove, as recorded in Plat Book 12, Page 50, Public Records of St. Lucie County, Florida; thence North 00°28'18" West, along said West line of said Section 33, a distance of 5151.78 feet, to the Northwest corner of said Section 33; thence North 00°28'58" West, along the West line of said Section 28, a distance of 5203.80 feet, to the Northwest corner of said Section 28 and the Northeast corner of said Alan Wilson Grove; thence North 89°51'13" West, along the South line of said Section 20, a distance of 2644.45 feet to the South quarter corner, of Section 20; thence

continue North $89^{\circ}53'42''$ West, along the South line of said Section 20, a distance of 2644.09 feet to the Southeast corner, of said Section 19; thence North $89^{\circ}45'15''$ West, along the South line of said Section 19, a distance of 2622.20 feet, to the South quarter corner of said Section 19; thence continue North $89^{\circ}59'37''$ West, along the South line of said Section 19, a distance of 2573.92 feet to the East right of way line of Range Line Road (State Road 609) and the Point of Beginning.

EXHIBIT "B"

GENERAL CONDITIONS OF APPROVAL CONDITIONS OF APPROVAL

Application for Development Approval

1. The Riverland/Kennedy Development of Regional Impact Application for Development Approval is incorporated herein by reference. It is relied upon, but not to the exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

For purposes of this Development Order, the Application for Development Approval ("ADA") shall include the following items:

- a. Application for Development Approval dated September 13, 2005;
- b. Supplemental information dated February 28, 2006; May 18, 2006; and June 7, 2006;
- c. Western Annexation Traffic Study ("WATS") Final Report dated January 2006; and
- d. Annexation Agreement dated July 19, 2004, and revised May 16, 2005, July 25, 2005, November 16, 2009, except to the extent that any term of the Annexation Agreement is subsequently amended by the parties thereto ("Annexation Agreement").

Commencement and Process of Development

2. In the event the Developer fails to commence significant physical development within three years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further Development of Regional Impact review by the Treasure Coast Regional Planning Council, State land planning agency, and City of Port St. Lucie pursuant to Section 380.06, Florida Statutes. However, this time period shall be tolled during the pendency of any appeal pursuant to Section 380.07, F.S. For the purpose of this paragraph, construction shall be deemed to have initiated after placement of permanent evidence of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing, such as the construction of roadways or other utility infrastructure. The City of Port St. Lucie acknowledges that the commencement of significant physical

development occurred within three years from the effective date of the Development Order, which satisfies this condition.

Phasing

3. A) The phasing of the Riverland/Kennedy Development of Regional Impact is approved as follows:

Phase	Years	Residential (DU)*	Retail (SF)	Research & Office (SF)	Light Industrial (SF)	Institutional & Civic-(SF)
1	<u>2006-2019</u> <u>2006-2020</u>	2,500	192,000	136,125	136,125	25,000
2	<u>2020-2024</u> <u>2021-2025</u>	7,901	540,668	408,375	408,375	215,327
3	<u>2025-2029</u> <u>2026-2030</u>	1,299	160,000	408,375	408,375	87,000
4	<u>2030-2034</u> <u>2031-2035</u>	0	0	408,375	408,375	0
Total	<u>2006-2034</u> <u>2006-2035</u>	11,700	892,668	1,361,250	1,361,250	327,327

* Residential units consist of 8,424 single family units and 3,276 multi-family units.

The development of a use in any phase may commence prior to completion of development in the preceding phase so long as all specific conditions for mitigation of transportation impacts are implemented according to the schedule in this Development Order, as it may be modified from time to time, and all other conditions of this Development Order are satisfied.

In addition to those uses described above, the Developer is authorized to develop ancillary and support uses including but not limited to adult congregate living facilities, wireless communication and cable television towers, digital network facilities, civic buildings, community centers, irrigation treatment plant and pumping facilities, libraries, places of worship, public service facilities, recreational facilities and schools as permitted within the New Community Development District.

- B) In order to accommodate changing market demands, at the Developer's request in an application for a specific development permit, and without the Developer filing a notification of proposed change pursuant to section 380.06(19), F.S., the City may increase or decrease the amount of an approved land use by applying the

Equivalency Matrix attached to this Developer Order as Exhibit "C", which is incorporated into this Development Order by this reference. The use of the Equivalency Matrix shall not allow impacts to water, wastewater, solid waste, transportation or affordable housing to exceed the aggregate impacts projected in the ADA. In addition, to ensure the basic character of the Riverland/Kennedy DRI is not altered, no land use may be increased by an amount which exceeds the numeric criteria in Section 380.06(19)(b), F.S. The mix of land uses shall be consistent with that allowed in the Port St. Lucie Comprehensive Plan. The Developer shall report, in each biennial report required by this Development Order, use of the Equivalency Matrix in Exhibit "C" to increase the amount of one approved land use with a concurrent reduction in one or more other approved land uses.

Buildout Date

4. The Riverland/Kennedy Development of Regional Impact shall have a buildout date of December 31, ~~2034~~ 2035, unless otherwise amended pursuant to the conditions of this Development Order and Section 380.06, Florida Statutes.

Expiration and Termination Date

5. This Development Order shall expire and terminate on December 31, ~~2041~~ 2042 unless extended as provided in Section 380.06(19)(c), Florida Statutes.

Biennial Report

6. The biennial report required by subsection 380.06(18), Florida Statutes, shall be submitted every two years until the expiration of this Development Order on the anniversary date of the adoption of the Development Order to the City of Port St. Lucie, Treasure Coast Regional Planning Council, State land planning agency, and such additional parties as may be appropriate or required by law. The contents of the report shall include those items required by this Development Order and Rule 9J-2.025(7), Florida Administrative Code. The City of Port St. Lucie Planning and Zoning Director shall be the local official assigned the responsibility for monitoring the development and enforcing the terms of the Development Order. Notice of transfer of all or portions of the DRI Property shall be filed with the City of Port St. Lucie and included in the biennial report.

General Provisions

7. Any modifications or deviation from the approved plans or requirements of this Development Order shall be made according to and processed in compliance with the requirements of Section 380.06(19), Florida Statutes and Chapter 73C-40, Florida Administrative Code.

8. The definitions found in Chapter 380, Florida Statutes shall apply to this Development Order.
9. Reference herein to any governmental agency shall be construed to mean any future instrumentality that may be created or designated as a successor in interest to, or which otherwise possesses the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.
10. This Development Order shall be binding upon the Developer and its assignees or successors in interest.

REGIONAL PLANNING

Master Development Plan

11. Prior to final approval of any zoning application in the Riverland/Kennedy Development of Regional Impact, the City will require the Developer to prepare a conceptual master plan to provide long-term guidance and direction for the project by showing the general location of all residential and non-residential land uses, arterial and collector roads, arterial and collector potable water, wastewater and reclaimed water infrastructure, stormwater facilities, school sites, civic and institutional sites, other major facilities, major access points and multi-use trails and greenways. The conceptual master plan shall demonstrate consistency with the NCD (New Community Development) land use category. The conceptual master plan shall be consistent with the Master Development Plan (Map H) attached to this Development Order as Exhibit "D" but shall not be adopted as an amendment to this Development Order. The conceptual master plan shall be presented to the City's Planning and Zoning Board and the City Council for consideration and approval; provided, however, that notwithstanding the foregoing, the conceptual master plan shall only be a generalized reference tool which is not regulatory but rather a planning reference to provide long range guidance related to those lands being considered for development approval. The conceptual master plan shall be revised by the Developer from time to time as needed to show approved and proposed development, and the City and the Developer shall agree on the mutually acceptable process for doing so.

Greenway

12. Consistent with the City's local comprehensive plan and the Annexation Agreement, the project shall include a continuous, multi-purpose greenway along Range Line Road with an average width of 50 feet and a minimum width of 30 feet, from Range Line Road's eastern right-of-way boundary. The greenway shall be provided in each development parcel within the DRI Property which is adjacent to Range Line Road as a condition of the recording of a residential subdivision plat or final site plan approval for each such development parcel. An appropriate easement shall be placed upon this greenway in perpetuity. The easement shall

allow (a) road crossings and pedestrian access; (b) sites for receiving and disposing of irrigation-quality effluent; and (c) landscaping and irrigation. In addition, within the greenway and adjacent to Range Line Road, the Developer shall grant the City a 30-foot perpetual non-exclusive utility easement; provided, however, such utility easement shall allow for (a) landscaping and irrigation, including with reclaimed water; (b) road crossings and pedestrian access; and (c) similar surface uses, with the City's written authorization, which will not interfere with efficient operation of the City's utilities or unduly hinder maintenance. Any landscaping or irrigation system within the utility easement shall be approved by the City's Utilities Systems Department prior to planting or constructing same.

TRANSPORTATION

Rights of Way

13. Subject to the requirements of the Annexation Agreement, Riverland/Kennedy has previously deeded to the City the following road rights-of-way located within the Riverland/Kennedy Development of Regional Impact ("Riverland/Kennedy DRI") project area:

- Becker Road (a/k/a E/W 5) from N/S C (a/k/a Community Boulevard) to N/S B - 150' wide right-of-way
- E/W 4 (a/k/a Paar Drive) from Community Boulevard to N/S B - 150' wide right-of-way
- E/W 3 from Community Boulevard to N/S B - 150' wide right-of-way
- E/W 3 from N/S B to Rangeline Road - 75' wide right-of-way
- E/W 2 from Community Boulevard to N/S A - 100' wide right-of-way
- E/W 1 (a/k/a Discovery Way) from Community Boulevard to Rangeline Road - 150' wide right-of-way
- N/S A from Discovery Way to E/W 3 - 150' wide right-of-way
- N/S B from Becker Road to Paar Drive - 30' wide right-of-way
- N/S B from Paar Drive to E/W 3 - 75' wide right-of-way
- N/S B from E/W 3 to Discovery Way - 150' wide right-of-way
- N/S BC from Becker Road to Paar Drive - 100' wide right-of-way
- Community Boulevard from Discovery Way to Becker Road - 75' wide right-of-way

As part of this development order, N/S BC will be eliminated. As part of this development order and the Wilson Groves DRI development order, N/S B will be widened to a 150' corridor from Becker Road to Paar Drive. In order to provide Riverland/Kennedy's portion of the total corridor width, Riverland/Kennedy shall convey to the City an additional 45' of right-of-way along the eastern limits of this segment of N/S B. Within 90 days of the conveyance of the additional 45' right-of-way for N/S B, the City shall convey back to Riverland/Kennedy, by quit claim deed, title to the 100' right-of-way that was previously dedicated to the City for N/S BC.

No building permits for residential units within the Riverland/Kennedy DRI shall be issued until Riverland/Kennedy has conveyed to the City, by special warranty deed, the additional 45' right-of-way for N/S B and all intersections thereof, free and clear of all liens and material encumbrances. The 45' dedication for N/S B shall include a reservation unto Riverland/Kennedy, its successors and/or assigns, for purposes of constructing and thereafter maintaining road and other improvements therein until acceptance by the City.

In addition, E/W 2 is eliminated in its entirety as a road right-of-way subject to the terms herein. The City shall convey back to Riverland/Kennedy, by quit claim deed, the previously dedicated 100' right-of-way for E/W 2 and reserve unto itself a 25' wide easement for a public multi-modal path located within the former E/W 2 right-of-way. Such MME will provide an East/West alternative transportation route for pedestrians, bikes and golf carts separate and independent from sidewalks along the arterial roads.

The Developer agrees to build a 12-foot wide hardened multi-modal path within the MME, between Community Blvd. and N/S A prior to or simultaneous with the development of parcels adjacent to the MME. Further, the Developer agrees to complete the construction of the 12-foot wide multi-modal path connecting to N/S B prior to or simultaneous with the construction of N/S B and Developer agrees to complete the construction of the 12 foot wide multi-modal path connecting to N/S A prior to or simultaneous with the construction of N/S A. When N/S B is constructed, Riverland/Kennedy will provide an over or underpass for the MME across N/S B between Discovery Way and E/W 3.

As future final plats or non-residential site plans are submitted, the City in its sole discretion shall consider if the MME can be revised and relocated. The City shall review and determine if the requested revision of the MME will maintain a continuity of East/West multi-modal access from Community Boulevard to N/S A.

Further, Community Boulevard from Discovery Way to Becker Road will be realigned in accordance with the attached Exhibit "E". Riverland/Kennedy shall convey to the City, by special warranty deed and free and clear of all liens and material encumbrances, the additional right-of-way within the project as per Exhibit "E", including an extension of 660' south of Becker Road, with a reservation unto the Developer, its successors and/or assigns, for purposes of constructing and thereafter maintaining roads and other improvements until acceptance by the City. The developer shall have no obligation to construct Community Boulevard within the extension south of Becker Road. The conveyance of the deed shall occur prior to March 30, 2015.

Within ninety (90) days of receiving the right-of-way special warranty deeds for such realignment of Community Boulevard, including the additional 660' south of Becker

Road, the City shall convey back to Riverland/Kennedy, by special warranty deed, the prior deeded conveyances for Community Boulevard between Discovery Way (E/W 1) and Becker Road that will no longer fall within the right-of-way depicted on Exhibit "E".

14. In addition to the aforementioned roadway networks, the Developer shall further enhance the transportation network by providing a system which shall include but not be limited to public collector roads. The roads identified herein shall not include internal networks for gated communities.

15. A) At any time, the Developer may undertake monitoring to ascertain the level of service on facilities where Riverland/Kennedy Development of Regional Impact has significant impact (project is estimated to contribute an amount of traffic equal to or greater than 5% of the maximum service volume under the adopted level of service standard) in order to determine whether the date residential units or trip threshold by which a transportation improvement required by this Development Order may be extended. If the monitoring demonstrates that the facility or facilities will operate at the adopted level of service standard without the improvement at the residential units or trip_threshold by which this Development Order would otherwise require such improvement, then notwithstanding any other provision of this Development Order the date by which such improvement is required shall be extended on terms approved pursuant to the procedure in Condition 16. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the roadway network within the WATS Area shall be required on account of such monitoring.

B) The City of Port St. Lucie may require the Developer to undertake monitoring to ascertain the level of service on transportation facilities within the DRI as specified in Table 1 and/or Table 2 in order to determine whether the residential units or trip threshold by which a transportation improvement required by this Development Order, should be accelerated. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the residential units or trip threshold by which this Development Order would otherwise require such improvement, then the date or trip threshold by which such improvement is required shall be accelerated on terms approved pursuant to the procedure in Condition 16. If the monitoring demonstrates that a facility or facilities will operate below the adopted level of service standard prior to the residential units or trip threshold by which this Development Order would otherwise require such improvement, then the date for such improvement shall be accelerated based on the results of such monitoring, provided that the accelerated schedule for the improvement shall allow 24 months for engineering, permitting and

construction of the improvement. The methodology of the monitoring shall be agreed upon by the City of Port St. Lucie, Florida Department of Transportation, and Treasure Coast Regional Planning Council. In the event that a methodology cannot be agreed upon among all parties, the City of Port St. Lucie shall be the final arbiter. No new mitigation measures and/or modifications to the road network identified in Tables 1 and/or 2 shall be required on account of such monitoring.

C) The Developer will coordinate with the Southwest Annexation Area (SWAA) DRIs regarding the results of the monitoring of the operational level of service conditions conducted by Southern Grove and any subsequent operational analyses along I-95 from south of Becker Road to north of Crosstown Parkway, at the Tradition Parkway/Gatlin Boulevard and I-95 interchange, and at the Becker Road and I-95 interchange. Should operational analyses indicate that the interstate or the subject interchanges are reaching or have reached the adopted level-of-service threshold, the Developer shall participate in collaborative discussions to identify possible solutions for a mitigation program to resolve the problem, which resolution, in principle, should be reflective of the impacts on the identified roadways/intersections created by the respective SWAA DRIs. The collaborative discussions shall include, but not be limited to, FDOT, the City of Port St. Lucie and the SWAA DRI developers. However, additional transportation mitigation beyond the required improvements listed in Tables 1 and/or 2 in this Development Order shall not be required of the Developer as a result of this collaboration.

16. In accordance with Section 380.06(15)(c)5, Florida Statutes, and Rule 9J-2.0245(7)(a)1.b., F.A.C., changes to roadway improvement conditions which are subject to the monitoring program outlined in Condition 15 shall not be subject to the substantial deviation determination/notice of proposed change process, unless otherwise required by the criteria listed in Section 380.06(19)(b), Florida Statutes. Changes to roadway improvements conditions shall be transmitted for approval to the Florida Department of Transportation, State land planning agency, and Treasure Coast Regional Planning Council. The agencies should complete the review within 90 days after submittal by the Developer.
17. A trip generation analysis shall be prepared by the applicant and approved by the City of Port St. Lucie prior to each site plan or residential subdivision plat approval. The trip generation analysis shall present calculations for the p.m. peak hour and shall be performed using trip generation rates and equations included in the latest available Institute of Transportation Engineers Trip Generation Report as well as land uses included in the application for development approval. The trip generation analysis shall include internal capture and passer-by, if appropriate, to determine net trips generated by the development. The trip generation shall be cumulative and include all previous site plan and residential subdivision plat approvals. Development order conditions shall be evaluated using the trip generation analysis to determine triggering of any transportation conditions.

Riverland/Kennedy Access Road Improvements

18. No building permits shall be issued for any development that generates more than the total net external p.m. peak hour trip threshold or residential units identified in Table 1, whichever comes last, until: 1) contracts have been let for the roadway construction projects identified in Table 1 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; or 3) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

**Table 1
Riverland/Kennedy Access Roads**

Road	From	To	Residential Units	Trip Threshold	Required Improvement	Status
Community Blvd.	Discovery Way	South for 2,500 Ft.	0	0	2L	
Secondary Emergency Access Road at E/W #1 between Community Blvd. and Rangeline Rd.			0	0	Emergency Access Road	

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

Riverland/Kennedy DRI Roadway Improvements

19. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold or exceeds the number of residential units identified in Table 2, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 2 under "Required Improvement"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

Table 2
Riverland/Kennedy DRI Road Improvements

Road	From	To	Residential Units	* Trip Threshold	Required Improvement	Status
Phase 1						
Community Blvd.	Discovery Way	E/W 3	700	828	2L	
Community Blvd.	E/W 3	Paar Dr.	2,000	2,023	2L	
Community Blvd.	Paar Dr.	Becker Rd.	2,500	3,219	2L	
E/W 3	Community Blvd.	N/S B	2,500	3,219	2L	
Phase 2						
Becker Rd.	Community	N/S B	4,475	5,148	Widen to 4LD	
N/S B	Discovery Way	E/W 3	5,660	6,305	2L	
Paar Dr.	Community Blvd.	N/S B	5,660	6,305	2L	
Discovery Way	Community Blvd.	N/S B	4,080	4,762	2L	
Discovery Way	N/S B	N/S A	5,660	6,305	2L	
Discovery Way	N/S A	Rangeline Rd.	5,660	6,305	2L	
N/S A	Discovery Way	E/W 3	5,660	6,305	2L	
Phase 3						
Community Blvd.	Discovery Way	E/W 3	10,661	11,440	Widen to 4LD	
Community Blvd.	E/W 3	Paar Dr.	10,661	11,440	Widen to 4LD'	
Becker Rd.	Community Blvd.	N/S B	10,661	11,440	Widen to 6LD	
N/S B	Paar Dr.	Becker Rd.	10,661	11,440	Widen to 4LD	
Discovery Way	Community Blvd.	N/S B	10,661	11,440	Widen to 4LD	
Paar Dr.	Community Blvd.	N/S B	10,661	11,440	Widen to 4LD	
Phase 4						
N/S A	Discovery Way	E/W 3	11,700	13,461	Widen to 4LD	
N/S B	E/W 3	Paar Dr.	11,700	13,461	Widen to 4LD	
N/S B	Discovery Way	E/W 3	11,700	13,461	Widen to 4LD	
E/W 3	Community	N/S B	11,700	13,461	Widen to 4LD	
E/W 3	N/S B	N/S A	11,700	13,461	Widen to 4LD	

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

L=Lane D=Divided

(1) Prior to reaching thresholds for each required improvement in Table 2, partial roadway sections may be constructed by the developer.

Note: No building permits shall be issued for development that generates more than 4,000 total net external p.m. peak hour trips, until a contract has been let for the construction of the initial two lanes of either 1) Becker Rd., 2) Paar Dr., or 3) E/W #3, from Village Parkway to Community Blvd.

External Roadways – West of I-95

20. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trips indicated in Table 3 or after December 31st of the year of failure indicated in Table 3, 2019 whichever comes last, until: 1) contracts have been let to build the following roadways with the lane geometry presented below; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City’s adopted Capital Improvements Program or FDOT’s adopted work program.

**Table 3
External Road Improvements – West of I-95**

Year of Failure	*Trip Threshold	Road	From	To	Required Improvement	Status
2019	2,927	Tradition Pkwy.	Village Pkwy.	I-95	6LD	Satisfied
2019	13,461	Village Pkwy.	Tradition Pkwy.	Crosstown Pkwy.	4LD	Satisfied
2019	13,461	Tradition Pkwy.	Community Blvd.	Village Pkwy	4LD	Satisfied
2019	13,461	Community Blvd.	Tradition Pkwy.	Westcliffe Lane	2L	Satisfied
2019	13,461	Westcliffe Ln.	N/S A	Village Pkwy	2L	
2023	13,461	Crosstown Pkwy.	N/S A	Village Pkwy	4LD	
2023	13,461	Crosstown Pkwy.	Village Pkwy.	Commerce Center Dr.	Widen to 6LD	
2023	13,461	Tradition Pkwy.	N/S A	Village Pkwy	4L D	
2023	13,461	N/S A	Crosstown Pkwy	Glades Cut-Off Rd.	2L	
2027	13,461	Crosstown Pkwy.	Range Line Rd.	N/S A	2L	
2027	13,461	Village Pkwy.	Tradition Pkwy.	Meeting Street	6LD	Satisfied
2029	13,461	Village Pkwy.	Meeting Street	Crosstown Pkwy.	Widen to 6LD	

*Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

LD=Divided

External Road Improvements – East of I-95

21. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 4 or after December 31st of the year of failure identified in Table 4, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 4 under "Required Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the City's adopted Capital Improvements Program or FDOT's adopted work program. The City of Port St. Lucie will use its best efforts to undertake the road improvements in Table 4 by the dates and trip thresholds indicated.

**Table 4
External Road Improvements – East of I-95**

<i>Year of Failure</i>	<i>*Trip Threshold</i>	<i>Road</i>	<i>From</i>	<i>To</i>	<i>Required Improvement</i>	<i>Status</i>
2024	1,367	Becker Road	I-95	Rosser Blvd	6 L D	Satisfied
2025	13,461	Paar Dr	Rosser Blvd.	Savona Blvd.	Widen 4 L D	
2025	13,461	Paar Dr	Savona Blvd	Port St. Lucie Blvd	Widen 4 L D	
2019	2,197	Becker Rd	Turnpike	Southbend Blvd	Widen 4 L D	Satisfied
2022	13,461	Rosser Blvd	E/W 3	Gatlin Blvd.	Widen 4 L D	
2030	13,461	Port St. Lucie Blvd	Paar Dr.	Darwin Blvd.	Widen 4 L D	
2020	13,461	Port St. Lucie Blvd.	Becker Rd	St. Lucie County Line	Widen 4 L D	
2027	13,461	Rosser Blvd	Paar Dr.	E/W 3	Widen 4 L D	
2031	13,461	Port St. Lucie Blvd.	Darwin Blvd.	Gatlin Blvd.	Widen 6 L D	
2026	13,461	Becker Rd	Southbend Blvd	Gilson Rd	Widen 4 L D	
2026	13,461	California Blvd	Crosstown Pkwy	St Lucie West Blvd	Widen 4 L D	
2019	13,461	Becker Rd	I-95	Florida's Turnpike	Widen 4 L D	Satisfied
2023	13,461	Paar Dr	I-95	Rosser Rd **	4 L D	
2029	13,461	Crosstown Pkwy	I-95	Manth Lane	6 L D	Satisfied

* Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

** This segment includes a bridge over I-95; provided, however, that the bridge over I-95 shall be subject to monitoring every three years, for development that generates

more than 13,461 total net external p.m. peak hour trips or in 2025, whichever comes later, to evaluate the need for improvements.

L= Lane D=Divided

22. A traffic re-analysis shall be undertaken by the Developer and submitted to the City and FDOT for any development that generates more than 13,461 cumulative total net external p.m. peak hour trips or by December 31, 2029, whichever comes last, if the six laning of the Crosstown Parkway- Manth Lane to US1 segment is: 1) not under contract; 2) not included in a local government development agreement consistent with sections 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition 15, if applicable; or 4) not scheduled in the first three years of the City's adopted Capital Improvement Program or FDOT's adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, State land planning agency, and FDOT. If the traffic re-analysis shows that the incomplete segment will result in additional or increased significant impacts to state or regionally significant roads external to the WATS area as identified in the WATS, no building permits shall be issued for any development that generates more than 13,461 cumulative total net external p.m. peak hour trips or after December 31, 2029 whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C.

Roadway Improvements Outside the City of Port St. Lucie

23. No building permits shall be issued for development that generates more than the total net external p.m. peak hour trip threshold identified in Table 5 or after December 31st of the year of failure identified in Table 5, whichever comes last, until: 1) contracts have been let for the roadway widening or construction projects identified in Table 5 under "Required_Improvements"; 2) a local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed; 3) the monitoring program included in Condition 15 does not require these improvements; or 4) the improvement is scheduled in the first three years of the applicable jurisdiction's Capital Improvements Program or FDOT's adopted work program.

**Table 5
Roadway Improvements Outside the City of Port St. Lucie**

<i>Year of Failure</i>	<i>*Trip Threshold</i>	<i>Road</i>	<i>From</i>	<i>To</i>	<i>Required Improvement</i>	<i>Status</i>
2031	2,386	Rangeline Road	Martin County Line	Becker Road	4 L D	
2031	2,386	S.W Allapattah Rd	CR 714/Martin Hwy.	Martin County Line	4 L D	
2020	3,592	S.W Citrus Blvd	St. Lucie County Line	SR 714	Widen 4 L D**	
2022	6,107	CR 714/Martin Hwy	Port St. Lucie Blvd	Florida's Turnpike	Widen 4 L D	
2019	6,393	CR 714/Martin Hwy	Florida's Turnpike	High Meadows Ave	Widen 4 L D	satisfied
2020	7,555	CR 714/Martin Hwy	High Meadows Ave	Berry Ave	Widen 4 L D	satisfied
2020	9,796	Midway Road	Torino Pkwy	Selvitz Road	Widen 4 L D***	
2025	14,045	Midway Road	Selvitz Road	25 th Street	Widen 4 L D***	

* Riverland/Kennedy Cumulative Total Net External DRI p.m. Peak Hour Trips

** Provided sufficient right-of-way exists for the improvement

*** This condition may be satisfied by a payment to St. Lucie County based on the *Settlement Agreement Including Impact Fee Credit Agreement* between the Developer and St. Lucie County.

24. A traffic re-analysis shall be undertaken by the Developer and submitted to the City, TCRPC, State land planning agency, and FDOT by the date that development within the Riverland/Kennedy DRI generates more than 3,592 total net external p.m. peak hour trips or by December 31, 2020, whichever comes last, if the four-laning of the Port St. Lucie Boulevard – St. Lucie County Line to SR 714 segment is: 1) not under contract to construct the roadway; 2) not included in a local government development agreement consistent with section 163.3220 through 163.3243, F.S.; 3) required by the monitoring program included in Condition 15, if applicable; or 4) not scheduled in the first three years of an adopted Capital Improvements Program or FDOT's adopted work program. The traffic re-analysis shall be prepared in a manner consistent with the methodology utilized in the WATS, or at the election of the Developer, utilizing an alternative methodology acceptable to the City, State land planning agency, FDOT and TCRPC, and shall be limited to a determination of the effect, if any, of the delay in four laning the segment of S.W. Citrus Blvd. – St. Lucie County Line to SR 714 on roads external to the WATS area. If the traffic re-analysis shows that the delay will result in additional or increased significant impacts to state or regionally significant roads as identified in the WATS, no building permits shall be issued after development

within the Riverland/Kennedy DRI generates more than 3,592 total net external p.m. peak hour trips or December 31, 2020, whichever comes last, until the Development Order has been amended to include mitigation to address such additional or increased significant impacts consistent with Rule 9J-2.045, F.A.C

E/W 3 and I-95 Interchange

25. A traffic study shall be prepared for development that generates more than 13,461 total net external p.m. peak hour trips or by January 1, 2028, whichever comes last, to evaluate the need for an interchange along I-95 with E/W 3. The methodology for this traffic study shall be discussed with the Developer, and agreed upon by the City of Port St. Lucie and Florida Department of Transportation. The traffic study shall estimate traffic projections at buildout of all DRI developments that participated in the WATS.
26. If the study required by Condition 25 justifies an interchange along I-95 with E/W 3, then no building permits shall be issued for development that generates more than 13,461 total net external p.m. peak hour trips or after December 31, 2029, whichever comes last, until the development order has been amended to include provisions for such an interchange and such interchange has been authorized by the Federal Highway Administration and/or FDOT, as applicable. Such amendment to the Development Order shall not be subject to a substantial deviation determination, unless otherwise required by criteria in section 380.06(19)(b), F.S.

Other Issues

27. Intersection lane geometry for all arterial roads between I-95 and Range Line Road included in Master Development Plan (Map H) attached to this Development Order as Exhibit "D" shall, for all 6 lane by 6 lane, 4 lane by 6 lane and 4 lane by 4 lane intersections within rights-of way greater than 100 feet, include dual left-turn lanes and an exclusive right-turn lane in all approaches. For all other arterial road intersection types, the Developer shall submit to the City, for approval, an intersection analysis to designate the lane geometry for each intersection.
28. All roads expressly addressed in the transportation conditions of this Development Order shall be open to the public.
29. Commencing in 2017 and continuing every other year thereafter, the Developer shall submit a Biennial Status Report indicating the status (schedule) of guaranteed transportation network modifications. This Biennial Status Report shall be attached to and incorporated into the Biennial Development of Regional Impact Report required by Condition 6.

The Biennial Status Report shall list all roadway modifications needed to be constructed, the guaranteed date of completion for the construction of each

needed modification, the party responsible for the guaranteed construction of each modification, and the form of binding commitment that guarantees construction of each modification. Except for improvements which are re-scheduled or determined to be not needed pursuant to monitoring under Condition 15, no further building permits for the Riverland/Kennedy Development of Regional Impact shall be issued at the time the Biennial Status Report reveals that any needed transportation modification included in the Development Order is no longer scheduled or guaranteed, or has been delayed in schedule such that it is not guaranteed to be in place and operational or under actual construction for the entire modification consistent with the timing or trip threshold criteria established in this Development Order.

30. In the event that a transportation improvement which the Developer is required to provide pursuant to this Development Order is instead provided by a dependent or independent special district, the improvement shall be deemed to have been provided by the Developer.
31. The Developer is responsible for the mitigation of all environmental impacts of all right-of-ways within the Riverland/Kennedy DRI.

ENVIRONMENTAL AND NATURAL RESOURCES

Wetlands

32. The Developer, Property Owners Association created by the Developer, or other acceptable entity shall comply with all wetland mitigation requirements of the U. S. Army Corps of Engineers and South Florida Water Management District. Any wetland permit issued by the South Florida Water Management District and the U.S. Army Corps of Engineers for all or any portions of the Riverland/Kennedy DRI Property shall satisfy all City rules, regulations, codes, permitting and other requirements pertaining to wetlands and littoral plantings for the portion or portions of Riverland/Kennedy subject to any such permits.

Listed Species

33. The Developer or an Association or community development district shall maintain Wood Stork foraging habitat on site by ensuring no additional net loss of wood stork prey. All surface waters created on the site, where appropriate, shall include features specifically designed to provide preferred foraging habitat for this species. The features should include areas designed to concentrate prey during dry down periods. The Developer shall comply with all U.S. Fish and Wildlife Service recommendations regarding the design and creation of foraging habitat for this federally endangered species.

34. In the event that it is determined that any additional representative of a state or federally listed plant or animal species is resident on, or otherwise significantly dependent upon a development parcel, the developer of such parcel shall cease all activities which will negatively affect that individual population and immediately notify the City of Port St. Lucie, and such developer shall provide proper protection to the satisfaction of the City of Port St. Lucie in consultation with the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission.

Exotic Species

35. Prior to obtaining a certificate of occupancy for any future structure located on a particular development parcel, the developer of such parcel shall remove from that parcel all Melaleuca, Brazilian pepper, Old World climbing fern, Australian pine, downy rose-myrtle, and any other nuisance and invasive exotic vegetation listed under Category I of the Florida Exotic Pest Plant Council's "2005 List of Invasive Species." Removal shall be in a manner that minimizes seed dispersal by any of these species. There shall be no planting of these species on site. Methods and a schedule for the removal of exotic and nuisance species should be approved by the City of Port St. Lucie. The entire site, including wetlands and conservation areas, shall be maintained free of these species in perpetuity in accordance with all applicable permits.

Stormwater Management

36. The developer of each development parcel shall design and construct a stormwater management system within such development parcel to retain the maximum volumes of water consistent with South Florida Water Management District criteria for flood control. The stormwater management system shall be designed and constructed to provide stormwater treatment and attenuation/storage, in accordance with South Florida Water Management District requirements, for the ultimate build-out of all public rights-of-way located within the DRI Property. All discharged water from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3.
37. All elements of the stormwater management system shall be designed to prevent negative impacts to adjacent areas and to the receiving bodies of water. A water quality monitoring program shall be established if required by any applicable federal, state or local agency having jurisdiction.
38. The Developer shall work with the City of Port St. Lucie to minimize the amount of impervious surface constructed for automobile parking on the project site. The Developer and the City should consider the use of pervious parking lot materials where feasible.

39. The surface water management system shall utilize Best Management Practices to minimize the impact of chemical runoff associated with lawn and landscape maintenance. The Developer shall coordinate with the South Florida Water Management District to formulate and implement Best Management Practices to reduce the use of pesticides and fertilizers throughout the project.
40. Maintenance and management efforts required to assure the continued viability of all components of the surface water management system shall be the financial and physical responsibility of the Developer, a community development district, a special assessment district, or other entity acceptable to the City of Port St. Lucie. Any entities subsequently replacing the Developer shall be required to assume the responsibilities outlined above.

Water Supply

41. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity of treated potable water is available to serve the development parcel and the Developer has provided or others have provided (or have provided surety in a form acceptable to the City) for the necessary water system extensions to serve the development parcel.
42. The preferred source of irrigation water shall be treated wastewater effluent at such time as this source is made available to the site. The Developer shall connect each development parcel to the City of Port St. Lucie's reclaimed water system when the system is within 300 feet of the subject development parcel. The project shall be equipped with an irrigation water distribution system to provide reclaimed water to all domestic residential lots when it becomes available. No individual home wells shall be constructed on the project site. Prior to availability of a sufficient supply of reclaimed water, other water supply sources may be used for landscape irrigation subject to meeting South Florida Water Management District permitting criteria in effect at the time of permit application.
43. In order to reduce irrigation water demand, xeriscape landscaping shall be encouraged throughout the project. At a minimum, the xeriscape landscaping shall meet the requirements of the City of Port St. Lucie.
44. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods specified in the Water Conservation Act, Section 553.14, Florida Statutes. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Port St. Lucie by the South Florida Water Management District.

Wastewater Management

45. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has been provided written confirmation from the City of Port St. Lucie Utility Systems Department that adequate capacity for wastewater treatment is available to serve such development parcel and the Developer or others have provided (or have provided surety in a form acceptable to the City) for the necessary wastewater system extension to serve such development parcel.

Solid Waste and Hazardous Materials

46. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from St. Lucie County or other provider acceptable to the City that adequate solid waste disposal services and facilities will be available when needed for that parcel. Development shall only occur concurrently with the provision of adequate solid waste disposal services and facilities.

Air Quality

47. During land clearing and site preparation, soil treatment techniques appropriate for controlling unconfined particulate emissions shall be undertaken. If construction on a parcel will not begin within thirty days of clearing, the soil shall be stabilized until construction on the parcel begins. Cleared areas may be sodded, seeded, landscaped or mulched to stabilize the soil. Minimal clearing for access roads, survey lines, fence installation, or construction trailers and equipment staging areas is allowed without the need for soil stabilization. The purpose of this condition is to minimize dust production and soil erosion during land clearing and to prevent soil particulates from becoming airborne between the time of clearing and construction. Development within the DRI Property shall comply with all applicable National Pollutant Discharge Elimination System requirements.

HUMAN RESOURCE ISSUES

Housing

48. The Port St. Lucie Comprehensive Plan does not require any affordable housing mitigation or contribution by the Developer. However, the Developer has offered to provide voluntary support for affordable housing by means of this local condition. The Developer shall pay a voluntary affordable housing assistance fee of \$500, or a mutually agreed upon amount, for each residential unit constructed on the Property, payable at the time of building permit application, into an affordable housing trust fund or other dedicated account established by the City. The City shall determine how to disburse the moneys in such trust fund to

encourage affordable housing through such means as (a) acquisition of land; (b) a program of down payment assistance; (c) prepaying of points for qualified homebuyers; (d) rehabilitation of existing affordable housing; (e) construction of new affordable housing by private developers or not-for-profit entities; or (f) other appropriate affordable housing strategies.

As an alternative to the above condition, the Developer may choose to participate in a program developed by the City of Port St. Lucie that will provide sufficient workforce housing in proportion to the population, based upon a program of the City of Port St. Lucie upon its adoption in the City of Port St. Lucie Comprehensive Plan.

Prior to the beginning of each phase subsequent to Phase 1, the supply of affordable housing shall be re-calculated using the East Central Florida Regional Planning Council Housing Methodology (revised June 1999) or, at the election of the Developer, an alternative methodology acceptable to the City and the State land planning agency. If the supply calculation for any subsequent phase shows that there is not an adequate supply of affordable housing reasonably accessible to the Riverland/Kennedy DRI to meet the demand from non-residential development in that phase, the Development Order shall be amended to include measures to mitigate the unmet housing need consistent with Rule 9J-2.048, F.A.C. The voluntary affordable housing assistance fee provided for in this Condition 50 shall be credited against any required mitigation.

Schools

49. No residential subdivision plat shall be recorded nor final residential site plan approved for any development parcel after July 1, 2007 until the Developer has secured a development agreement with the St. Lucie County School District that assures the following:

- a. The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of one K-8 school site of not less than 25 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the K-8 school site can be accommodated off-site. The net acreage must not include any required upland or wetland preservation areas. Alternatively, if collocated with a park site, and recreational areas can be shared, the site can be reduced to 20 acres.
- b. The dedication to the City of Port St. Lucie, pursuant to the Annexation Agreement, of one high school site of not less than 45 acres, provided that drainage (after all required water quality pretreatment is provided on site at no cost to the Developer) for the high school site can be

accommodated off-site. The net acreage must not include any required upland or wetland preservation areas.

- c. The Developer will allocate not less than 10 acres of its 50-acre regional park dedication as required by the Annexation Agreement for a high school football stadium adjacent to the high school site, subject to approval by the City of Port St. Lucie. The net acreage must not include any required upland or wetland preservation areas.
- d. For the proposed total development program of 11,700 dwelling units, of which 1,200 are proposed to be age-restricted, and with current student generation rates for St. Lucie County, the Developer shall contribute a proportionate share of all costs necessary to construct, according to State of Florida and St. Lucie County School District standards, the school facilities for the sites identified in this condition, not to exceed the total amount of educational facilities impact fees for the DRI Property (based upon generally applicable St. Lucie County educational impact fees in effect from time to time), so that there will be adequate school facilities to accommodate the impacts of the development. Such facilities shall be operated and maintained by the St. Lucie County School District.
- e. The development agreement with the St. Lucie County School District shall provide for a formula for the reimbursement of educational impact fees that would normally be assessed of dwelling units within the proposed development in exchange for the conveyance of the school sites described in subparagraphs (a) and (b) above.
- f. The City of Port St. Lucie will use good faith efforts to enter into an appropriate interlocal agreement with the St. Lucie County School District pursuant to which the City of Port St. Lucie will convey the school sites described in subparagraphs (a) and (b) above to the St. Lucie County School District as and when needed by the St. Lucie County School District.

Note: The Developer has entered into an Educational Facilities Impact Fee Credit Agreement dated June 12, 2007 (OR Book 2841, Page 440), as may be amended from time to time, with the School Board of St. Lucie County. This agreement addresses site dedications and associated impact fee credits as well as impact fee payments and impact fee prepayments for construction of school facilities on these sites. The City of Port St. Lucie has entered into an interlocal agreement with the School Board of St. Lucie County (OR Book 2714, Page 761) regarding conveyance of the school sites to the St. Lucie County School District.

Police and Fire Protection

50. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has received a statement from the City of Port St. Lucie Police Department indicating that adequate facilities and police protection are in place to serve the development parcel. The methodology used to determine the demand created as a result of the project and the standards used to determine adequate police protection shall be approved by the City of Port St. Lucie Police Department.
51. The Developer has entered into a mutually agreed upon Developers Agreement with the St. Lucie County Fire District dated November 15, 2006 for improvements necessary to provide Fire and Emergency Medical Services to the project.

Hurricane Preparedness

52. The Developer shall construct one or more on-site buildings to provide a minimum 24,520 SF of hurricane evacuation shelter space for the residents of the Riverland/Kennedy Development of Regional Impact. As an alternative, the Developer may elect to make an equivalent payment to the City for the hurricane shelter space required by this condition and, upon making such payment, the Developer shall have satisfied this condition and shall bear no further responsibility or liability under it. If the space is constructed by the Developer on site, construction will commence before the start of hurricane season during the year that each phase is scheduled to end. If the Developer is to construct same, then a minimum of 5,247 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 1; a minimum of 16,551 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 2; and a minimum of 2,722 square feet of public hurricane evacuation shelter space shall be under construction by the end of Phase 3. Emergency shelter requirements may be accomplished through providing a combination of safe spaces within home(s) and/or constructing community hurricane shelter spaces or dual use of a facility (including schools) constructed or retrofitted to State of Florida hurricane code within the development. The hurricane shelter mitigation techniques provided shall be approved by the City of Port St. Lucie and St. Lucie County Division of Emergency Management and be consistent with Chapter 9J-2.0256(5) (a), Florida Administrative Code and with Red Cross Standards 4496. If the Development Order is changed to allow an alternate number of residential units, then the numbers in this condition would change proportionately.
53. The Port St. Lucie Comprehensive Plan does not require hurricane preparedness mitigation or contribution by the Developer. However, the Developer has previously made a voluntary contribution of \$150,000.00 to the City to enhance hurricane preparedness. This contribution provided sufficient funds to finance

space for the City's Emergency Operations Center and adequate special needs public hurricane evacuation shelter space for residents of the project.

Parks and Recreation

54. Prior to issuance of the first development permit, the Developer shall prepare a plan to be approved by the City of Port St. Lucie Parks and Recreation Department for the provision of neighborhood and community recreational sites and facilities to meet the demand created by residential development in the DRI Property. At a minimum, the plan shall 1) provide for the conveyance to the City, in accordance with the requirements of the Annexation Agreement, of 140~~1~~ acres of net usable area of public park sites (including the 50 acres of regional park described below), with no individual park site to be less than 10 acres; 2) show the locations of proposed park sites; 3) provide a schedule for conveyance of the public park sites, and 4) comply with a requirement of 5 acres of public parks per 1,000 population, consistent with the level of service required for parks and recreational facilities in the City of Port St. Lucie Comprehensive Plan at the time of the adoption of the original development order. Neighborhood and community recreational facilities shall be available to serve projected demand in accordance with the plan approved by the City of Port St. Lucie Parks and Recreation Department. Nothing in this condition 54 shall require the Developer to construct or pay for recreational facilities on public park sites provided by the Developer pursuant to this condition or the Annexation Agreement.

Prior to the issuance of the 6,001 building permit for the Riverland/Kennedy DRI Property, and subject to the Annexation Agreement, the Developer shall convey to the City 50 net usable acres for a regional park as required by the Annexation Agreement, in the general location shown on the Master Development Plan (Map H) attached to this Development Order as Exhibit "D".

The provision of public beach access and boat ramp facilities is a local issue which the City and St. Lucie County address through impact fees, taxes, grants, and other assessments. With those funding sources, the City and St. Lucie County can expand existing or construct new public beach access and boat ramp facilities which may be needed to accommodate the residential development approved by this Development Order.

Historic and Archaeological Sites

55. In the event of discovery of any archaeological artifacts during construction of the project, construction shall stop within a 30-foot radius/buffer and immediate notification shall be provided to the City of Port St. Lucie and the Division of Historical Resources, Florida Department of State. Construction may resume within the affected area after the City and the Division of Historical Resources have

determined the appropriate mitigation pursuant to Rule 9J-2.043, F.A.C., if any are warranted, and such measures have been implemented by the Developer.

Energy

56. The final site and building designs shall comply with Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes. Where practical, the project shall also incorporate measures identified in Council's energy plan guide entitled, Energy Planning in the Twenty-First Century: A Guide for Florida Communities, updated January 2003.

EXHIBIT "C"

LAND USE EQUIVALENCY MATRIX

Single Family du	210	8,424	4,534	2,662	263	206	0	0	4,271	2,456	6,727	0.798	d.u.
Multi-Family du	230	3,276	895	440	78	48	0	0	817	392	1,209	0.369	.d.u.
Retail sf	820	892,668	2,333	2,526	227	304	878	968	1,228	1,254	2,482	2.78	ksf
Research and Office sf	710	1,361,250	273	1,330	5	3	0	0	268	1,327	1,595	1.17	ksf
Light Industrial sf	110	1,361,250	160	1,174	3	5	0	0	157	1,169	1,326	0.97	ksf
Civic sf	N/A	101,781	278	277	14	15	0	0	264	262	526	5.17	ksf
Institutional sf	N/A	327,327	399	599	31	36	0	0	368	563	931	2.84	ksf

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ITE Trip Generation Manual, 7th Edition

Table 3: Utility/Employment Equivalency Comparison
Riverland/Kennedy DRI

Land Use	Single-Family Residential Equivalent		Multi-Family Residential Equivalent	Retail Equivalent	Research and Office Equivalent	Light Industrial Equivalent	Civic Equivalent	Institutional Equivalent
	Base Size	Size						
Single-Family	1 du	N/A	2.16 du	0.29 sf	0.68 sf	0.82 sf	0.15 sf	0.28 sf
Water	250 gpd		540 gpd	36.25 gpd	85 gpd	123 gpd	18 gpd	33.60 gpd
Wastewater	212.5 gpd		459 gpd	30.74 gpd	72.08 gpd	104.96 gpd	15.30 gpd	28.56 gpd
Solid Waste	6.03 lb/day	N/A	13.02 lb/day	8.70 lb/day	68 lb/day	49.20 lb/day	4.50 lb/day	8.40 lb/day
Aff. Housing	N/A		0.00 emp	0.46 emp	0.27 emp	0.33 emp	0.50 emp	0.93 emp
Multi-Family Residential	1 du	0.46 du	N/A	0.13 sf	0.32 sf	0.38 sf	0.07 sf	0.13 sf
Water	250 gpd	115 gpd		16.25 gpd	40 gpd	57 gpd	8.40 gpd	15.60 gpd
Wastewater	212.5 gpd	97.75 gpd		13.78 gpd	33.92 gpd	48.64 gpd	7.14 gpd	13.26 gpd
Solid Waste	6.03 lb/day	2.77 lb/day	N/A	3.90 lb/day	32 lb/day	22.80 lb/day	2.10 lb/day	3.90 lb/day
Aff. Housing	N/A	0.00 emp		0.21 emp	0.13 emp	0.15 emp	0.23 emp	0.43 emp
Retail	1,000 sf	3.48 du	7.53 du	N/A	2.38 sf	2.87 sf	0.54 sf	0.98 sf
Water	125 gpd	870 gpd	1,882.50 gpd	N/A	297.50 gpd	430.50 gpd	64.80 gpd	117.60 gpd
Wastewater	106 gpd	739.50 gpd	1,600.13 gpd	N/A	252.28 gpd	367.36 gpd	55.08 gpd	99.96 gpd
Solid Waste	30 lb/day	20.98 lb/day	45.41 lb/day		238 lb/day	172.20 gpd	16.20 lb/day	29.4 lb/day
Aff. Housing	1.6 emp	0.00/emp	0.00 emp		0.95 emp	1.15 emp	1.80 emp	3.26 emp
Research and Office	1,000 sf	1.47 du	3.17 du	0.42 sf	N/A	1.21 sf	0.23 sf	0.41 sf
Water	125 gpd	367.50 gpd	792.50 gpd	52.50 gpd	N/A	181.50 gpd	27.60 gpd	49.20 gpd
Wastewater	106 gpd	312.38 gpd	673.63 gpd	44.52 gpd	N/A	154.88 gpd	23.46 gpd	41.82 gpd
Solid Waste	100 lb/day	8.86 lb/day	19.12 lb/day	12.60 lb/day		72.60 lb/day	6.90 lb/day	12.30 lb/day
Aff. Housing	0.40 emp	0.00 emp	0.00 emp	0.67 emp		0.48 emp	0.77 emp	1.37 emp
Light Industrial	1,000 sf	1.22 du	2.63 du	0.35 sf	0.83 sf	N/A	0.19 sf	0.34 sf
Water	150 gpd	305 gpd	657.50 gpd	43.75 gpd	103.75 gpd		22.80 gpd	40.80 gpd
Wastewater	128 gpd	259.25 gpd	558.88 gpd	37.10 gpd	87.98 gpd		19.38 gpd	34.68 gpd
Solid Waste	60 lb/day	7.36 lb/day	15.86 lb/day	10.50 lb/day	83 lb/day	N/A	5.70 lb/day	10.20 lb/day
Aff. Housing	0.4 emp	0.00 emp	0.00 emp	0.56 emp	0.33 emp		0.63 emp	1.13 emp
Civic	1,000 sf	6.48 du	14.01 du	1.86 sf	4.42 sf	5.33 sf	N/A	1.82 sf




Water	120 gpd	1620 gpd	3,502.50 gpd	232.50 gpd	552.50 gpd	799.50 gpd	N/A	218.40 gpd
Wastewater	102 gpd	1377 gpd	2,977.13 gpd	197.16 gpd	468.52 gpd	652.24 gpd		185.64 gpd
Solid Waste	30 lb/day	39.07 lb/day	84.48 lb/day	55.80 lb/day	442 lb/day	319.60 lb/day		54.60 lb/day
Aff. Housing	3.33 emp	0.00 emp	0.00 emp	2.98 emp	1.77 emp	2.13 emp		6.06 emp
Institutional	1,000 sf	3.56 du	7.70 du	1.02 sf	2.43 sf	2.93 sf	0.55 sf	N/A
Water	120 gpd	890 gpd	1,925 gpd	127.50 gpd	303.75 gpd	439.50 gpd	66 gpd	
Wastewater	102 gpd	756.50 gpd	1,636.25 gpd	108.12 gpd	257.58 gpd	375.04 gpd	56.10 gpd	N/A
Solid Waste	30 lb/day	21.47 lb/day	46.43 lb/day	30.60 lb/day	243 lb/day	175.80 lb/day	16.50 lb/day	
Aff. Housing	3.33 emp	0.00 emp	0.00 emp	1.63 emp	0.97 emp	1.17 emp	1.83 emp	

EXHIBIT "D"

MASTER DEVELOPMENT PLAN (MAP H)

Development Order Exhibit 'D' NOPC 3 - Map H

Riverland / Kennedy DRI

- 
 Single Family Residential including Schools & Support Facilities, Civic, Institutional, Parks / Recreational, Places of Worship, Conservation / Mitigation
- 
 Mixed Use Residential including Schools & Support Facilities, Civic, Institutional, Parks / Recreational, Places of Worship, Commercial
- 
 Neighborhood Commercial Center includes Commercial, Office, Institutional, Civic, Parks / Recreational, Hotel/Inn, Places of Worship, Conservation / Mitigation

— Roadways per Annexation Agreement

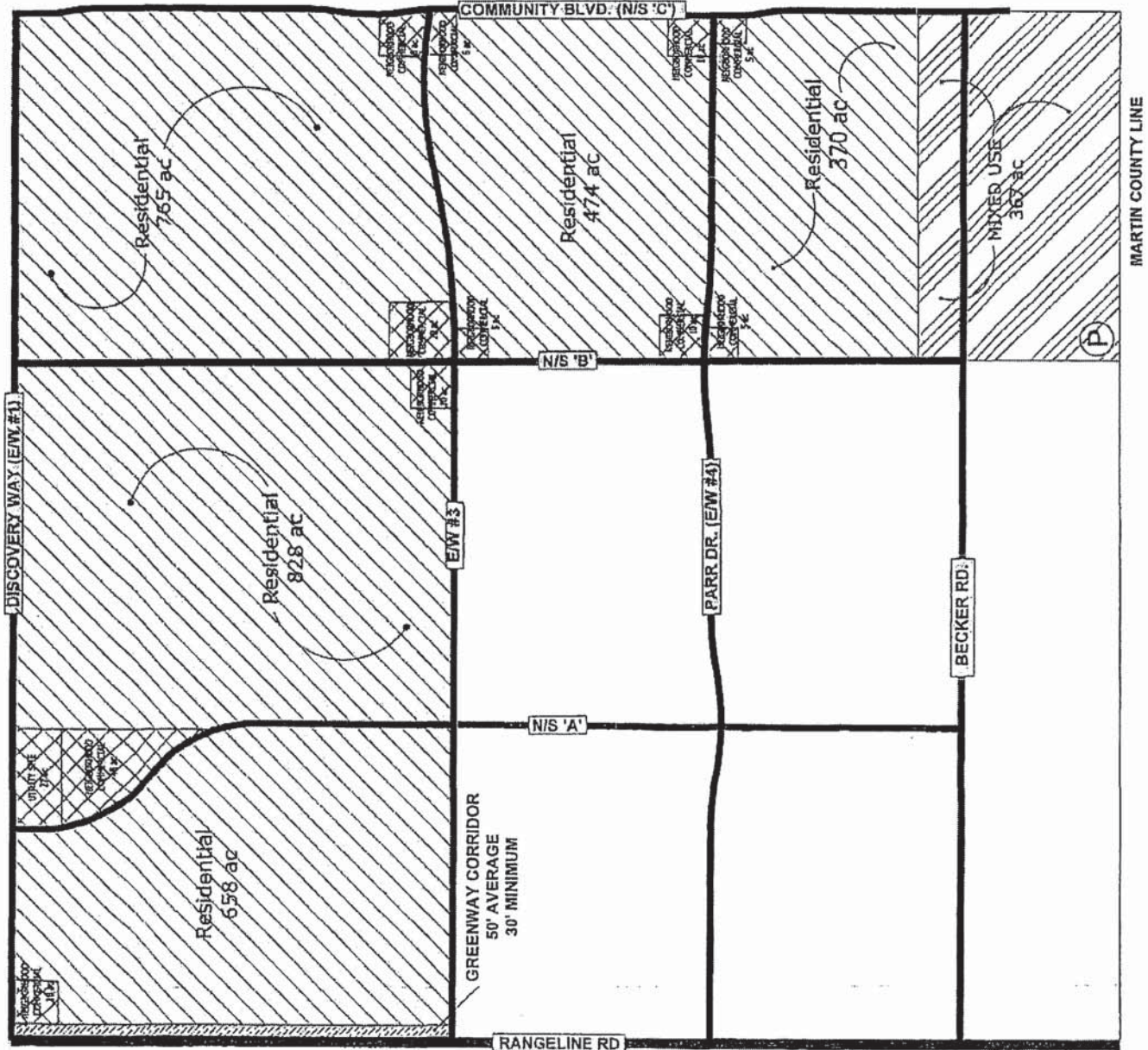


Regional Park



Graphic Scale

Riverland NOPC 3 Map H 2016-04-07.dwg



MARTIN COUNTY LINE

EXHIBIT "E"

COMMUNITY BOULEVARD ALIGNMENT

