

MANATEE COUNTY RECORD
R. D. SHORE

MANATEE COUNTY ORDINANCE 10-50 (fka 09-64)
TARA-MANATEE, INC.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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CLERK OF THE COURT
MANATEE COUNTY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; APPROVING A NOTICE OF PROPOSED CHANGE TO AMEND MAP H TO REDISTRIBUTE APPROVED DEVELOPMENT; ADDING ADULT ASSISTED LIVING FACILITY USE TO SUBPHASES III-R, III-U, III-AA, III-V, AND III-Z AND LIMITING THE SIZE OF THE ASSISTED LIVING FACILITY TO NO MORE THAN 300 BEDS; ADDING EXHIBIT D, AN UPDATED TABLE OF PERMITTED COMMERCIAL USES BY PARCEL; ADDING EXHIBIT E, A PROPOSED LAND USE EQUIVALENCY TABLE; EXTENDING THE PHASE III BUILDOUT DATE BY AN ADDITIONAL TWO-YEAR PERIOD TO 2015; CLARIFYING LOCATIONS WHERE MINI-WAREHOUSE CAN BE LOCATED (UP TO A MAXIMUM OF 115,000 SQUARE FEET), AND LIMITING THE USE TO A STORAGE-ONLY FACILITY; RECOGNIZING A PRIOR CONVERSION OF 36,869 SQUARE FEET OF RETAIL FOR 79 HOTEL ROOMS, WHICH HAVE SUBSEQUENTLY BEEN CONSTRUCTED; EXTENDING THE FREQUENCY OF REPORTING TO BIENNIAL; AND AMENDING EXHIBITS B (MAP H), C, AND D TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake Lincoln, LLC, the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Notice of Proposed Change Application requesting modifications to the Development Order for the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is John Agnelli; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Notice of Proposed Change Application pursuant to Section 380.06(19) (f)6, Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on September 9, 2010, and

WHEREAS, public hearings were held before the Board of County Commissioners on October 7, 2010, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and

any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report; and

WHEREAS, the Planning Commission recommended that the changes as described in the NOPC application be found to not create a substantial deviation in accordance with Section 380.06, Florida Statutes, and recommended adoption of Ordinance No. 10-50 with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no access from SR 70 to Subphase III-BB and no wetland impacts within Subphase III-BB); and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida,

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #11, ORDINANCE 06-35:

Ordinance 06-35 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the TARA Development of Regional Impact. All prior Development Orders shall be superceded by this Ordinance; provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for a Notice of Proposed Change requesting modification to the Development Order, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All findings set forth in the preamble of this Ordinance are adopted as findings of fact.
- B. The Developer* of the Project* submitted to Manatee County a Notice of Proposed Change (NOPC), dated October 6, 2009, a copy of which is on file in the Planning Department.
- C. Tara requested approval in the NOPC application of amendments to the Tara DRI to:
 - 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, III-BB and III-Z and limit the size of the assisted living facility to no more than 300 beds.
 - 2. Add Exhibit D, an updated table of permitted commercial uses by parcel.

3. Add Exhibit E a proposed Land Use Equivalency Table.
4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
5. Clarify locations where a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
7. The addition of a Subphase III-BB to allow the transfer of commercial entitlements from Subphase III-R or III-Z and III-V or available residential units (or combination thereof) to the southwest corner of SR 70 and Tara Boulevard.
8. The addition of one access point on SR 70 associated with proposed Subphase III-BB.
9. To allow an approximate one acre impact to the wetland within the proposed Subphase III-BB site with corresponding mitigation.
10. The addition of an exhibit showing the location of the proposed wetland mitigation for the proposed Subphase III-BB.

D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 12 of this Ordinance as required by Section 380.06, Florida Statutes. The recommendation of the Planning Commission was rendered on September 9, 2010, following a public hearing.

E. The Planning Commission at their meeting on September 9, 2010 found the changes requested in the Notice of Proposed Change to be consistent with the Manatee County Comprehensive Plan and recommended to the Board that the applicant had rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order would not constitute a substantial deviation in accordance with Section 380.06, Florida Statutes, with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no adult assisted living facility use within the requested Subphase III-BB, no access on SR 70 for the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).

F. The Board of County Commissioners held a public hearing on October 7, 2010 regarding the Notice of Proposed Change application requesting modifications to the Development Order to the DRI described herein, in accordance with the requirements of the Manatee County Land Development Code and the Manatee County Comprehensive Plan and has further considered the testimony, comments, and information received at the public hearing.

G. The following proposed changes requested in a Notice of Proposed Change to the DRI Development Order regarding the property described in Section 12 herein are found to be consistent with the requirements of the Manatee County Comprehensive Plan provided they proceed in accordance with the development conditions specified in Section 5:

- The amendment of Map H to redistribute approved development as follows:
 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, and III-Z and limit the size of the assisted living facility to no more than 300 beds.

2. Add Exhibit D, an updated table of permitted commercial uses by parcel.
3. Add Exhibit E a proposed Land Use Equivalency Table.
4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
5. Clarify locations where a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.

H. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota – Manatee Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.7 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.

I. The real property involved in this development is located in Manatee County, Florida and is described in Section 12.

J. Construction of this project was previously begun and is currently developing in accordance with this Development Order.

K. The Tara development, as described in the Notice of Proposed Change application, is not located in an area of critical state concern.

L. The authorized agent and his address for the Project is John Agnelli of Lake Lincoln, LLC 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.

M. The owner of the Property is Lake Lincoln, LLC, 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.

N. A comprehensive review of the any unmitigated external or regional impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 3. CONCLUSIONS OF LAW:

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

1. The changes requested in the NOPC application will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
2. The changes requested in the NOPC application are (with the exception of the creation of Subphase III-BB to allow transfer of commercial entitlements from Subphase III-R, III-Z or III-V or available residential units (or a combination thereof) to the southwest corner of SR 70 and Tara Boulevard and with the exception of adding an adult assisted living facility use to the requested Subphase III-BB, excluding the access point for the requested Subphase III-BB to SR 70 and excluding the one acre impact to wetlands within the requested Subphase III-BB) are consistent with the Manatee County Land Development Code and are consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning

Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and the Manatee County Comprehensive Plan.

3. The changes requested in the NOPC application as described in Subparagrah A2 above and, as conditioned by this Development Order (with the exception of the creation of Subphase III-BB with no residential or commercial entitlements to be transferred to Subphase III-BB from other phases within the boundaries of the DRI, no access from SR 70 to requested Subphase III-BB and no associated wetland impacts within the requested Subphase III-BB), are is consistent with the report and recommendations of the TBRPC approved on June 14, 2010 regarding this NOPC.
4. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
5. The review by the County*, the TBRPC and other participating agents and interested citizens reveals that regional impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, subject to the terms and conditions of this Development Order and the ADA*. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
6. Pursuant to Section 380.06(19)3, Florida Statutes, the Developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on October 6, 2009 and approved pursuant to Ordinance 10-50, are a Substantial Deviation (with the exception of the creation of Subphase III-BB and with no residential or commercial entitlements transferred to Subphase III-BB, no access to SR 70 to the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
7. The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
8. TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
9. This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
10. TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to approval of the changes requested in the NOPC application (with the exception of the creation of Subphase III-BB and a transfer of either residential or commercial entitlements to the proposed Subphase III-BB, no access to SR 70 to the requested Subphase III-BB and no wetland impacts within the requested Subphase III-BB) in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

SECTION 4. DEVELOPMENT COMPONENTS

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	N/A	399,631*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres
Hotel	79 Rooms	36,869	N/A

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2015
Residential dwelling units	719	299	1,701
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	84,901	10,100	0 -304,630*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center (COMPLETED)
Hotel			79 Rooms (36,869)* (Completed)

*Eighty-one (81) additional hotel rooms may be traded for 37,798 square feet of Commercial Use. The hotel use is only authorized to be built in Subphases III-U and III-AA.

1. The Land Use Equivalency Matrix in Exhibit E allows the developer limited variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, schools, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS). The Planning Director shall administratively review and approve all land use exchanges utilizing the LUEM.
3. An application for a Land Use Exchange must include a tracking chart which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.
4. Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to approval by Manatee County. In addition, all future conversions shall be duly noted within the subsequent Biennial Report submitted for the project.

5. The Land Use Equivalency Matrix (LUEM) is included as Exhibit E of the Development Order.

SECTION 5. DEVELOPMENT CONDITIONS:

I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the Developer.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Natural Resources Department (NRD) or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to County approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Natural Resources Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County NRD Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
- E. As construction within each phase of the development is completed, the water quality monitoring program for the development may be modified at the request of the developer with NRD approval. Monitoring shall be terminated five (5) years following completion of the final phase of construction unless NRD has approved an earlier termination date.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be

either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.
- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Subphases III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for Subphases III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells, which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data

acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.

- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Subphases III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the NRD with the initial Preliminary Site Plan for Phase III. (COMPLETED) Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria, which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 6. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 7. NOISE ABATEMENT

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner, which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase, which is affected by these noise standards.

SECTION 8. SCHOOL SITE

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 9. ROADWAY IMPROVEMENTS

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)
- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
- (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Subphases III-R, III-T, III-U, III-V, III-W, III-X, or III-Y. (COMPLETED)
 - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be

utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C. (COMPLETED)

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized.

It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:

- (1) At the intersection of Tara Boulevard and State Road 70:
 - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
 - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
 - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
 - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED
- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signaling the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized.

It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

- F. The developer initiated a transportation monitoring program in Year 2003. The findings were reported in each Annual Report beginning in Year 2003. They shall continue on a biennial basis beginning in Year 2010, until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions). Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.

- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 10. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2010) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit a biennial DRI report to Manatee County, the TBRPC, and the state land planning agency on the 13th day of November on even number years, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The biennial report shall contain the information required by the state land planning agency to be included in the biennial report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file a biennial report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 9.F of this Development Order.

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

SECTION 11. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.), which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2015

Preliminary site plans shall be valid as set forth in the LDC. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases, which have valid final site plans, and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Exhibit B (Map H)

- (2) Phase I-N renamed as Phase III-T on Exhibit B (Map H)
- (3) Phase I-J renamed as Phase II-J on Exhibit B (Map H)

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #01-077 shall be valid until January 28, 2015.

SECTION 12. LEGAL DESCRIPTION

- A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C.

OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE ¼ OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 13. GENERAL

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, The Manatee County Comprehensive Plan and the Land Development Code shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
 6. Revised Exhibit B (Map H) (dated June, 2010) together with Exhibits A, C, D E.
 7. The Transportation Analysis dated October 10, 2000 and June, 2003.

8. The application for a Notice of Proposed Change dated, October 6, 2009, together with supporting documents.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 14. RESTRICTION ON DOWN ZONING

- A. The County may not downzone or reduce the intensity or unit density permitted by this Development Order prior to January 28, 2015 unless the County can demonstrate that:
 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
 2. The order was based upon substantially inaccurate information provided by the Developer; or
 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" shall refer only to changes in zoning, land use or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

SECTION 15. BINDING ORDER UPON DEVELOPER

- A. This Development Order shall be binding upon the Developer and its successors in interest.

SECTION 16 .RENDITION

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 17. NOTICE OF RECORDING

- A. The Developer shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, FS, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 18. SEVERABILITY

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

SECTION 19. EFFECTIVE DATE

- A. This Ordinance 10-50 shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes , shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 06-35 during pendency of any appeal.

SECTION 20. TERMINATION

- A. This Development Order shall terminate on January 28, 2015 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 7th day of October, 2010.

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

By: 

Donna G. Hayes, Chairman

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

By: 
Deputy Clerk



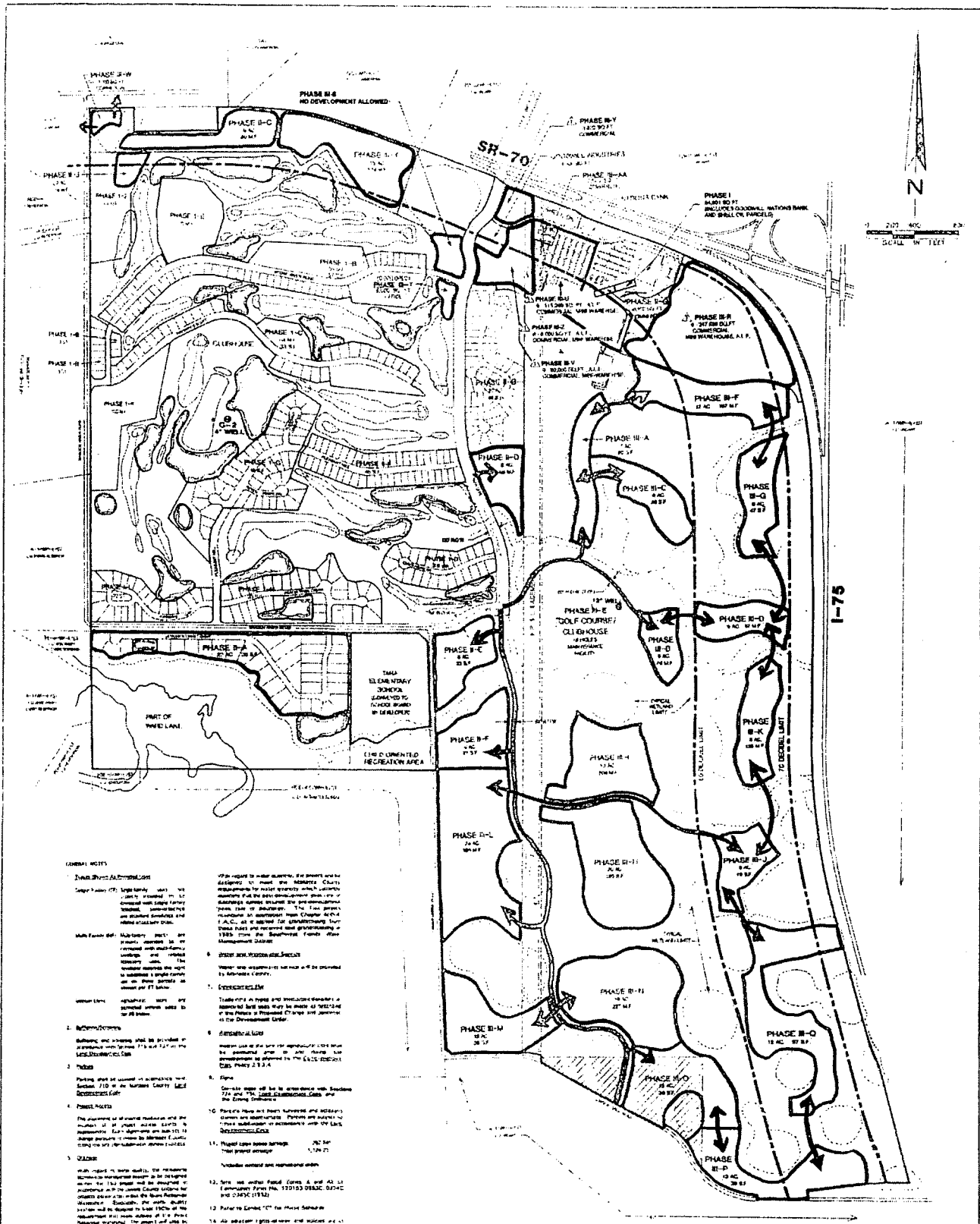
EXHIBIT A

TABLE I

SUMMARY OF NOISE LEVELS IDENTIFIED BY ENVIRONMENTAL PROTECTION AGENCY AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.



REVISED MAP H

MASTER DEVELOPMENT PLAN

for

TARA

SECTION 13, 14, 23 & 24, TWP. 35 S. R.GE. 18 E.,
MANATEE COUNTY, FLORIDA

- REVISED JUNE, 2010
- REVISED DECEMBER, 2009: (ADD SUPPLEMENTAL MAPS: PHASES SUPPLEMENTAL B-Y OF A.I.)
- REVISED APRIL, 2006 (ADD 75,000 SQ. FT. TO PHASE II-B)
- REVISED AUGUST, 2004 (PHASE I-H + H TO PHASE II)
- APPROVED REVISION JULY, 2004
- REVISED AUGUST 28, 2003
- REVISED MARCH 12, 2004
- REVISED AUGUST 6, 1998 (REMOVE B-Y)

LF&K LOMBARDO, FOLEY & KOLARIK, INC.
 Consulting Engineers, Surveyors and Planners
 705 S.W. 35th St., Suite 400, Ft. Lauderdale, Florida 33307 • (954) 782-0001

Revised October, 2010

EXHIBIT "C" to Map H
Parcel Breakdown by Phase

RESIDENTIAL				
PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128

TOTAL	2,719	719	299	1,701
COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	84,901	84,901		
II-G	10,100		10,100	
III-AA	0-3,600			0-3,600
III-R	0-247,899***			0-247,899***
III-S	0			0
III-T	8,000**			8,000**
III-U	0-115,000**			0-115,000**
III-V	0-20,000**			0-20,000**
III-W	0-3,000**			0-3,000**
III-Y	0-18,800**			0-18,800**
III-Z	0-8,000**			0-8,000**
	436,500**	84,901	0-10,100	0-341,499**
OTHER				
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** The Developer shall have the right to transfer all or part of building square footage between non-residential subphases as depicted on Map H. Any transferred square footage may be used for the uses as depicted on Exhibit D. In addition, the Developer has the right to utilize the LUEM to “exchange” land uses in accordance with the thresholds established pursuant to the LUEM provided the Developer demonstrates compliance with all other provisions of this ordinance.

*** The FAR on Subphase III-R shall not exceed 0.26.

Exhibit D
Revised, July 2010
Permitted Uses by Subphase
Uses proposed within this change are in Boldface Text

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
AGRICULTURAL USES				
Agricultural Research Facilities	X	X	X	X
Agriculture	P	P	X	X
Breeding Facility (non-wild, non-exotic)	X	X	X	X
Farming Service Establishments	P*	P	X	X
Kennels	X	X	X	X
Short Term Agricultural Uses	P	X	P	P
Stables or Equestrian Center:				
Public	X	X	X	X
Veterinary Hospitals	X	X	P	P
COMMERCIAL USES-RETAIL				
Auction Houses, Open	X	X	X	X
Auction Houses, Enclosed	X	X	X	X
Auction Houses, Auto	X	X	X	X
Building Materials Establishment	X	X	P	P
Retail Sales, Neighborhood Convenience	P**	P	P	P
Retail Sales, Neighborhood General	P	P	P	P
Drive-Thru Eating Establishment	X	P	P	P
Eating Establishment	P	P	P	P
Farm Equipment and Supply Establishment	X	X	P	P
Gas Pumps	X	P	P	P
MH/RV Sales, Rental, Leasing	X	X	P	P
General Retail Sales Uses	P	X	P	P
Service Station	X	P	P	P
COMMERCIAL USES-SERVICES				
Banking:				
Bank	P	P	P	P
Bank/Drive-Through	P*	P	P	P
Business Services	P	P	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Health Services:				
Professional Office	P	P	P	P
Clinic	P	P	P	P
Veterinary Clinic	P*	P	P	P
Medical and Dental Laboratory	X	X	P	P
Nursing Home	X	P	P	P
Industrial Service Establishment	X	X	P	P
Lodging Places:				
Bed and Breakfast	X	P	P	P
Boarding House	X	P	X	X
Hospital Guest House	X	P	X	X
Hotels	X	X	X	P***
RV Park	X	X	P	P
Miscellaneous Services:				
Office	P	P	P	P
Car Wash, Self Service	X	X	P	P
Car Wash, Incidental	X	P	P	P
Car Wash, Full Service	X	X	P	P
Construction Service Establishment	X	X	P	P
Dry Cleaners, Neighborhood	X	P	P	P
Dry Cleaners, General	X	X	P	P
Dry Cleaners, Pick-up	P*	P	P	P
Food Catering	X	X	P	P
Funeral Chapel	X	P	P	P
Funeral Home	X	P	P	P
Lawn Care/Landscaping	X	X	P	P
Personal Service Establishment	P	P	P	P
Rental Service Establishment	X	X	P	P
Repair Service Establishment	P*	P	P	P
Motor Vehicle Repair:				
Neighborhood Serving	X	P	P	P
Community Serving	X	X	P	P
Major	X	X	P	X
Sign Painting Service	X	X	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Taxi-Cab, Limousine Service	X	X	P	P
Wholesale Trade Establishment	X	X	P	P
COMMUNITY SERVICE USES				
Cultural Facilities	X	P	X	X
Emergency Shelters	X	X	X	X
Emergency Shelter Home	X	P	X	X
Outpatient Treatment Facility	X	X	X	X
Post Offices	X	P	X	X
Private Community Uses	X	P	X	X
Public Community Use	X	P	P	P
Public Use Facilities	X	P	P	P
Radio, TV, Communications, Microwave Facilities	X	P	P	P
Residential Treatment Facilities	X	P	X	X
Resource Recovery Facilities	X	X	X	X
Utility Use	P*	P	P	P
MISCELLANEOUS USES				
Flea Markets:				
Enclosed	X	X	P	P
Open	X	X	P	P
Outdoors Advertising Signs	X	X	P	P
Parking, Commercial	P	P	P	P
Towing Service and Storage Establishment	X	X	P	P
OPEN USE OF LAND - LIGHT				
Cemetary:				
Human	P*	P	X	X
Pet	P*	P	X	X
Game Preserve	X	X	X	X
Land Reserves, Public or Private	P	P	X	X
Tree Farm	X	P	X	X
Minor Earthmoving	P*	P	P	P
RECREATION USES:				
Low intensity Recreational Uses	P*	P	P	P
High Intensity Recreational Uses	X	X	P	P
Medium Intensity Recreational Uses	X	X	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Passive Recreational Use	P*	P	P	P
RESIDENTIAL USES				
Adult Assisted Living Facility	X	X	P	P#
Family Care Homes	X	P	X	X
Group Care Home, Large	P*	P	P	P
Group Care Home, Small	P*	P	P	P
Group Housing	X	P	X	X
Multiple Family Dwellings	X	X	X	X
Residential Care Facility, Large	P*	P	P	P
Residential Care Facility, Small	P*	P	P	P
Recovery Home, Large	P*	P	P	P
Recovery Home, Small	P*	P	P	P
Single-Family Attached Dwellings	X	X	X	X
Single Family Detached Dwellings	X	P+	X	X
Single-Family Semi-Detached Dwellings	X	X	X	X
Duplex Dwellings	X	P+	X	X
Triplex and Quadraplex Dwellings (multi-family, 4 units max)	X	X	X	X
RESIDENTIAL SUPPORT USES				
Churches or Other Place of Worship	P*	P	P	P
Day Care Center, Large	P*	P	P	P
Day Care Center, Medium	P*	P	P	P
Day Care Center, Small	X	P	X	X
Day Care Facilities (Accessory)	P*	P	P	P
Day Car Home	X	X	X	X
Schools, Elementary	X	P	X	X
Schools, High School	X	P	X	X
Schools, Middle	X	P	X	X
Schools of Special Education	P*	P	P	P
TRANSPORTATION FACILITIES				
Bus RR Passenger	P*	P	X	X
Heliport	X	X	P	P
Helistop	P*	P	X	X

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
WAREHOUSING				
Warehouse - Mini	P*	P-P*	P-P*	P-P*

P = Permitted

P* = With limitations, as specified in Section 704, conditional Use Criteria, The Amended Development Order, or elsewhere in the Code

P** = Neighborhood Convenience Retail Sales uses are permitted with the exception of Convenience Stores which are not allowed on Subphase III-Y

P*** = Hotel use is authorized to be developed only in Subphase III-U and III-I

P+ = Allowed with specific criteria per Table 6-1 in the Code

P# = Adult Assisted Living Facilities shall be limited to remaining commercial Subphases III-U, III-V, III-Z, III-AA

AP = Administrative Permit Required

EXHIBIT F
LAND USE EQUIVALENCY
TARA DRI
June 2010

"A"	"B"					
	EQUIVALENT USES					
LAND USES THAT ARE TO BE TRADED	# OF SINGLE-FAMILY DWELLING UNITS	# OF MULTI-FAMILY APARTMENTS	# OF SQ. FT. RETAIL	# OF ALF BEDS	# OF SQ. FT. MINI-WAREHOUSE	# OF SQ.FT. OF OFFICE
ONE SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.45)	(321.00)	(6.00)**	(3259.00)	(546.00)
MULTI FAMILY APARTMENT	(0.69)	(1.00)	(222.00)	(6.00)**	(2248.00)	(376.00)
1000 SQ. FT. OF RETAIL	(3.13)	(4.54)	(1000.00)	(11.56)	(10179.00)	(1708.00)
1 ALF Bed	(0.17)**	(0.17)**	(88.00)	(1.00)	(899.00)	(151.00)
1000 SQ. FT. OF MINI-WAREHOUSE	(0.31)	(0.45)	(100.00)	(1.15)	(1000.00)	(171.00)
1000 SQ. FT. OF OFFICE	(1.84)	(2.66)	(589.00)	(6.79)	(5979.00)	(1000.00)

* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 321 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 321 Sq. Feet.

**Per Manatee County Land Development Code

In order to preserve the multi-use nature of this development, land use exchanges will be limited so that the following minima and maxima for each land use will be observed:

Use	Min	Max
Commercial (sf)	255,300	514,200
Office (sf)	8,000	50,000
ALF (beds)	0	300
Mini-Warehouse (sf)	0	115,000

The proposed maximums have been established to not exceed any substantial deviation thresholds. A calculation to demonstrate this will be included with any application utilizing the LUEM.

Exhibit E

DIMENSIONAL CHART

Uses	Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ft.)	Rear (ft.)
Single family detached	35	45-79	5,000	20/15 ^(e)	6	15
Single family detached	35	80 or greater	9,000	25/20 ^(a)	8	15
Zero lot line (SF detached)	35	45	5,000	20/15 ^(a)	0/10 ^(b)	15
Single family attached	35	25/35 ^(c)	2,500/3,500 ^(c)	20/15 ^(e)	0/10 ^(b)	15
Single family semi-detached	35	35	4,000	20/15 ^(a)	7.5	15
Duplex	35	70	8,000	20/15 ^(e)	8	15
Multi-family	3 stories/35			25	10 ^(d)	15 ^(d)
Commercial/office/hotel	3 stories/35	70	7,500	30 ^(e)	15 ^(e)	20 ^(e)
Park, recreation center	35	70	7,500	25	15	15
Parcel II-D	Multi-family Single family			30	10/35 ^(f)	15
Parcel II-E	35	60	7,000	25	7.5	15
	35	60	7,000	25	7.5	15

(a) Front setbacks for units with side entry garages.

(b) Applies to one side.

(c) Minimum width and size for corner or end units.

(d) Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater.

(e) Buildings shall be set back a minimum of 50' from any residential lot.

(f) Multi-family dwellings shall be set back 35' from any single family lot.

NOTE: The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 26TH day of

OCTOBER, 20 10

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

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Interim Secretary of State
FLORIDA

October 29, 2010

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 26, 2010 and certified copies of Manatee County Ordinance Nos. 10-50 and PDR/PDC-96-03(G)(R9), which were filed in this office on October 28, 2010.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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