

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ORDINANCE 04-68
TARA-MANATEE, INC.

2004 DEC 14 AM 9:01

CLEARANCE
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, SUBSTANTIAL DEVIATION FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; TO MOVE SUBPHASES II-H AND II-I INTO PHASE III AND RENAME THEM III-Z AND III-AA RESPECTIVELY; AMEND EXHIBIT C TO COMPLY WITH THE APPROVED MAP H; AMEND MAP H 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, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; 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 Substantial Deviation pursuant to Section 380.06(19), 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 November 4, 2004 and before the Board of County Commissioners of Manatee County, Florida on November 30, 2004; 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 recommendations on the Substantial Deviation; 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, in a regular meeting assembled this, 30th day of November, as follows:

SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
 - (1) is not located in an area of critical state concern, and
 - (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
 - (3) is consistent with local land development regulations; and
 - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant previously submitted and received approval of a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.
- F. The applicant requests approval of an amendment to the Tara DRI to move Subphases II-H and II-I to Phase III and rename them III-Z and III-AA, respectively, amend Exhibit C to comply with the approved Map H, and amend Map H to reflect the above changes.

SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) 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.
- (C) 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.

(D) 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 the relief prayed and applied for 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:

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	N/A	361,500*	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

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 - 266,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

*Either a 160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U.

SECTION 3. 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 applicant.
- 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 Environmental Management Department 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 EMD 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 Environmental Management 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 Environmental

Management 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. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- 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 Parcels 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 parcels 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 Phase 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, Exhibit B) 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 Environmental Management Department with the initial Preliminary Site Plan for Phase III. 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 4. 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 5. 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 6. 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 7. 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 Phases 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.
- 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 shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis 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 8. 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 2003) 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 an annual DRI report to Manatee County, the TBRPC, and the state land planning agency annually on the 13th day of November, 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

annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file an annual 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 7.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.

F. Pursuant to the project timing established in Tara Development Order, Phase II has expired. There shall be no further site plans approved for any subphase within Phase II unless a DRI amendment permits a time extension for Phase II.

SECTION 9. 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 2007

Preliminary site plans shall be valid for a period of three (3) years. 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 Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on 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 #97-007 shall be valid until January 28, 2007.

SECTION 10. 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. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 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. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 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. STA. 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 11. 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, 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.
- D. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
- E. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
6. Revised Map H (dated August 2004) together with Exhibits A, B, and C.
 7. The Transportation Analysis dated October 10, 2000.
- 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 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 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 13. BINDING ORDER UPON DEVELOPER.

- A. This development order shall be binding upon the Developer and its successors in interest.

SECTION 14. 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 15. NOTICE OF RECORDING.

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

SECTION 16. 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 17. EFFECTIVE DATE.

- A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

- A. The previous development order for TARA which was adopted on May 25, 2004 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

SECTION 19. TERMINATION.

- A. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 30th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Steve W. Montalvo*
Chairman



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

By: *Susan P. Lomine*
DC



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 15 day of December, 2004

R.B. SHORE
Clerk of Circuit Court

By: *Kent Stuber*



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
 Secretary of State
 DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD
 R. B. SHORE

2004 DEC 14 AM 8:53

CLERK OF CIRCUIT COURT
 MANATEE CO. FLORIDA

December 9, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 2, 2004 and certified copies of Manatee County Ordinance Nos. PDMU-03-36(Z)(G), PDR-03-40(Z)(P), PDR-03-59(Z)(P), PDR/PDC-96-03(G)(R7) and 04-68, which were filed in this office on December 9, 2004.

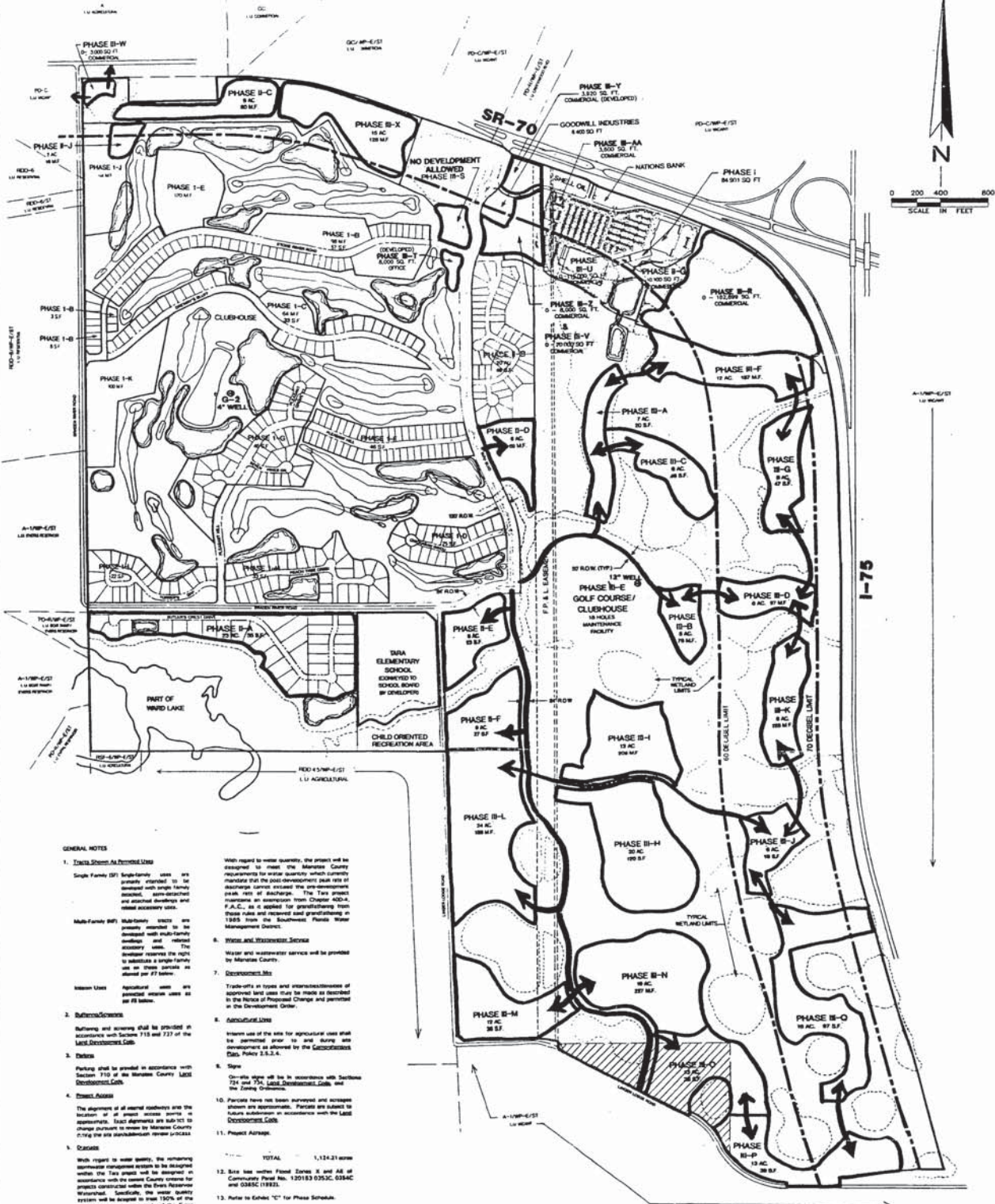
As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud
 Program Administrator

LC/kcs

Enclosure



- GENERAL NOTES**
- Tracts Shown As Permitted Uses**
 - Single Family (SF) Single-family units are generally expected to be developed with single family detached, semi-detached and attached dwellings and related accessory uses. The developer reserves the right to substitute a single family use on these parcels as allowed per 77 below.
 - Multi-Family (MF) Multi-family units are generally expected to be developed with multi-family dwellings and related accessory uses.
 - Medium Density Residential (MDR) Medium density residential units are generally expected to be developed as medium density residential units as allowed per 77 below.
 - Utilities/Services**
 - Water and sewerage shall be provided in accordance with Sections 715 and 717 of the Land Development Code.
 - Setbacks**
 - Setbacks shall be provided in accordance with Section 715 of the Manatee County Land Development Code.
 - Access/Access**
 - The placement of all internal roadways and the location of all access points shall be determined in accordance with the Florida Department of Transportation. Final agreements are subject to change pursuant to rules by Manatee County or the site administration review process.
 - Drainage**
 - With regard to water quality, the remaining stormwater management system to be designed within the Tara project will be designed in accordance with the current County criteria for projects constructed within the Florida Department of Transportation. Specifically, the water quality system will be designed to meet 100% of the requirements that were in place at the time of the Florida Department of Transportation (1995) Department Florida Water Management District water quality criteria.
 - Water and Wastewater Services**
 - Water and wastewater services will be provided by Manatee County.
 - Development/Use**
 - Tracts with an issue and reclassification of approved land uses may be made as described in the Notice of Proposed Change and permitted in the Development Code.
 - Agriculture/Uses**
 - Intensive use of the area for agricultural uses shall be permitted prior to and during any development as allowed by the Comprehensive Zoning Policy 2.3.3.4.
 - Signs**
 - Signage shall be in accordance with Sections 714 and 716 Land Development Code and the Zoning Ordinance.
 - Particulars that have been surveyed and accepted**
 - Particulars are subject to future subdivision in accordance with the Land Development Code.
 - Project Acreage**
 - TOTAL 1,124.21 acres
 - Site Use within Parcel Zones X and AE of Comprehensive Zoning Code 120183 035C, 036C and 036E (1993)**
 - Refer to Exhibit "C" for Phase Schedule.**
 - All adjacent rights-of-way and utilities are in compliance with LDC DEVELOPMENT CODE standards.**

REVISED MAP H MASTER DEVELOPMENT PLAN for **TARA**

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

REVISED AUGUST, 2004 (PHASE II-H + I-H TO PHASE III)
APPROVED REVISION JULY, 2004
REVISED AUGUST 28, 1998
REVISED MARCH 30, 2004
REVISED AUGUST 9, 1998 (REMOVE II-Y)

LOMBARDO & SKIPPER, INC.
Consulting Engineers, Surveyors & Planners



P.O. Box 54 • 823-4th Street West • Palmetto, Florida 34221 • (813) 721-4541 • 768-0600

DATE: FEBRUARY 2, 1995 REVISED MARCH 20, 1996

CRD-04-108

EXHIBIT "B"