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MANATEE CO. FLORIDA

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

**MANATEE COUNTY ORDINANCE NO. PDR/PDC-96-03(G)(R9)
TARA-MANATEE, INC.**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING A REVISED ZONING ORDINANCE AND GENERAL DEVELOPMENT PLAN; AMENDING THE GENERAL DEVELOPMENT PLAN TO REDISTRIBUTE APPROVED DEVELOPMENT TO ADD 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 F, A PROPOSED LAND USE EQUIVALENCY TABLE; EXTEND PHASE III BUILD-OUT DATE BY AN ADDITIONAL TWO YEAR PERIOD TO 2015; CLARIFY THE LOCATIONS FOR MINI-WAREHOUSE (UP TO A MAXIMUM OF 115,000 SQUARE FEET), AND LIMITING THE USE TO A STORAGE-ONLY FACILITY; AMENDING EXHIBITS C, AND D, AND THE GENERAL DEVELOPMENT PLAN TO REFLECT THESE CHANGES; AND UPDATING TERMINOLOGY AND DEPARTMENTAL REFERENCES, AND OTHER CHANGES FOR INTERNAL CONSISTENCY; CODIFYING AND RESTATING THE EXISTING ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. THE TARA DRI IS LOCATED AT THE SOUTHWEST CORNER OF SR 70 AND I-75, EXTENDING WESTWARD TO BRADEN RIVER ROAD. (±1,124.21 ACRES).

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

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for a revised Zoning Ordinance and amended General Development Plan (GDP), the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. Lake Lincoln, LLC, the owner and developer (hereinafter "Applicant") has filed an application to rezone 3.32± acres from PDR (Plan Development Residential) to the PDC (Plan Development Commercial) Zone District for property generally located at the southwest corner of SR 70 and Tara Boulevard within the boundaries of the Tara DRI #11.
- B. The Applicant has also filed an application to amend the General Development Plan for the Tara DRI #11 to request the following changes:
 - 1. Amend Map H (the General Development Plan) to redistribute approved development as follows:
 - a. Add Subphase III-BB to allow the 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.

- b. To add an adult assisted living facility use 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, as well as requesting the following additional changes to the zoning ordinance:
 - i. Add Exhibit F, a proposed Land-Use Equivalency Table.
 - ii. Extend Phase III build-out date by an additional 2 year period to 2015.
 - iii. 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.
 - iv. The addition of one access point along SR 70 associated within the proposed Phase III-BB.
 - v. Allow an approximate 1 acre impact to the wetland within Phase III-BB site if such phase were created and require corresponding mitigation.
 - vi. Add an exhibit to reflect the location of the proposed wetland mitigation.
- C. The Manatee County Planning Commission held a duly noticed public hearing on September 9, 2010 to consider the request for rezoning to the Planned Development Commercial (PDC) Zone District, an amendment to the General Development Plan and amendments to the Zoning Ordinance, considered the Planning Staff's recommendations and considered the criteria for approval in the Manatee County Comprehensive Plan and Land Development Code; and
- D. The Planning Staff recommended approval of a portion of the request and denial of a portion of the request as detailed in the Planning Staff Report contained in the public hearing record of Planning Commission; and
- E. The Manatee County Planning Commission, as the County's Local Planning Agency, found the request to amend the Zoning Ordinance and General Development Plan, as modified by the Planning Commission, to be consistent with the Manatee County Comprehensive Plan and Manatee County Land Development Code and recommended adoption of the Zoning Ordinance, excluding the rezoning of Subphase III-BB to the PDC (Plan Development Commercial) Zone District (i.e., excluding the transfer of either commercial or residential entitlements to Subphase III-BB, including a recommendation to deny adding an assisted living facility use to the requested Subphase III-BB, recommending denial of one access point on SR 70 to serve the requested Subphase III-BB and recommend denial of wetland impacts within the requested Subphase III-BB).

- F. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application to rezone a proposed Phase III-BB within the Tara DRI to the PDC (Plan Development Commercial) Zone District, application for revisions to the Zoning Ordinance and amendments to the General Development Plan, as they relate to the real property described in Section 4 of this Ordinance.
- G. The Board of County Commissioners held a duly noticed public hearing on October 7, 2010, regarding the proposed rezoning of the requested Phase III-BB, revisions to this Zoning Ordinance and amendments to the General Development Plan as described herein in accordance with the requirements of the Manatee County Land Development Code, and has further considered the information received at the public hearing.
- H. The public hearings before the Planning Commission and the Board of County Commissioners referenced above have been conducted in conjunction with public hearings for a Notice of Proposed Change Application to the DRI Development Order for Tara DRI #11, submitted pursuant to Chapter 380.06, Florida Statutes. The requested rezoning, revisions to the Zoning Ordinance and amendments to the General Development Plan were acted on by the Board of County Commissioners on October 7, 2010 as follows:
 - 1. The Board found that the requested creation of Subphase III-BB, the corresponding rezoning of Subphase III-BB to the PDC (Plan Development Commercial) Zone District and the transfer of either commercial or residential entitlements to Subphase III-BB (including denying approval for adding an adult assisted living facility as an approved use to the requested Subphase III-BB) on the General Development Plan to be inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code and denied approval of that portion of the requested amendments to the Zoning Ordinance and the General Development Plan (inclusive of denying one access point on SR 70 to serve the requested Subphase III-BB and denying wetland impacts within the requested Subphase III-BB).
 - 2. The Board of County Commissioners at their meeting on October 7, 2010, found that the remaining requests of the Applicant other than those specified in Subparagraph H1 above to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code and approved adoption of this Zoning Ordinance with the following modifications:
 - a. To add adult assisted living facility uses in Subphases III-R, III-U, III-AA, III-V and III-Z (not Phase III-BB) and limit the size of the assisted living facility to no more than 300 beds
 - b. Approve the addition of Exhibit F, a proposed Land-Use Equivalency Table to the Zoning Ordinance.
 - c. The extension of the Phase III build-out date by an additional 2 year period to 2015.

- d. 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.
- e. Amend the General Development Plan to reflect the above-described changes.

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

SECTION 2. 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 F 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. The Land Use Equivalency Matrix may be utilized without a revision to the General Development Plan when transferring entitlements to Subphases III-R, III-V & III-Z, or III-A, as detailed in this revised & restated Ordinance. Any other use of the LUEM would require an amendment to the General Development Plan.

5. The Land Use Equivalency Matrix (LUEM) is included as Exhibit F of the Zoning Ordinance.

SECTION 3. Stipulations

The revised General Development Plan (dated June 2010), and revised Exhibits B (Map H), and revised Exhibits C, D, E, and F, are APPROVED with the following stipulations:

I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

1. 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.
2. 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.
3. 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 NRD approval.
4. 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 NRD, 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.
5. 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 and 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.
6. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.

7. 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, and 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.
8. TARA shall install and maintain the water quality control system to comply with all conditions, limitations, and restrictions imposed in applicable permits.
9. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
10. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. All wetlands existing on the 15.55 acre parcel, as delineated by the cross hatching on Map H, 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)
19. Wetland buffers on all Preliminary Site Plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
20. 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. (COMPLETED)
21. 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.

II. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

1. 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.

III. NOISE ABATEMENT

1. 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 dBA contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table 1, Exhibit A, attached hereto). 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.

IV. 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.

V. ROADWAY IMPROVEMENTS

1. 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 S.R. 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)
2. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
 - (a) 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)
 - (b) A 5' sidewalk will be constructed from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass.(COMPLETED)
3. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
4. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1,084 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 FDCA. The results of this study shall be submitted to the County, FDCA, 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. (COMPLETED)

5. 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:

- (a) At the intersection of Tara Boulevard and SR 70
 - (1) An exclusive northbound right-turn lane. The storage length shall be a minimum of 225 feet. (COMPLETED)
 - (2) 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)
 - (3) An exclusive southbound right turn lane. The queue length shall be 185 feet. (COMPLETED)
 - (4) Extend the queue length component of the westbound dual left-turn lanes. The minimum queue length shall be 300 feet for each lane. (COMPLETED)
- (b) 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)
- (c) 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.

6. 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.
7. The Tara developer shall pay for and install a traffic signal at the intersection of Tara Boulevard and Stone River Road prior to the closing of the intersection of 55th Avenue East and Tara Boulevard as required by Stipulation 11 below. The final design of said improvements shall be approved by the Manatee County Transportation Department. (COMPLETED)
8. Prior to issuance of the next non-residential Certificate of Occupancy in the Tara Development, the northbound right-turn lane located at the intersection of SR 70 and Tara Boulevard shall be channelized through the placement of tubular markers which conform to MUTCD guidelines. These markers shall be installed far enough south of the Am South bank's driveway to ensure vehicles exiting the bank will enter the channelized right-turn lane and prevent vehicles exiting the site from crossing three lanes of traffic to the northbound left-turn lane on Tara Boulevard. Additionally, a right-turn only sign shall be placed on the Am South bank site for the benefit of

vehicles exiting the bank. The final design of said improvements shall be approved by the Manatee County Transportation Department. (COMPLETED)

9. Prior to issuance of the next non-residential Certificate of Occupancy in the Tara Development, the developer shall construct a northbound, eastbound, southbound, and westbound left-turn storage lanes at the intersection of the driveway for Twelve Oaks Plaza and 55th Avenue East. The intersection shall be a 4-way stop. The final design of said improvements shall be approved by the Manatee County Transportation Department. (COMPLETED)
10. Future Certificate of Level of Service traffic analyses will require all intersections to maintain Level of Service standards for all movements.
11. TARA-MANATEE will lengthen the existing 100 feet of left-turn storage serving the northbound approach of Tara Boulevard and S.R. 70 an additional 365 feet per each of the dual left-turn lanes, such figure reflecting the queue length requirements at "build out" of the Tara Development (325 feet) and additional queue length requirements for northbound traffic anticipated upon completion of the Braden River bridge (40 feet). Accommodating the increased northbound left-turn lane queue length will require closing the median opening at Tara Boulevard and 55th Avenue East, such that 55th Avenue East would be restricted right-in/right-out intersection. TARA-MANATEE will complete these improvements, as Tara's expense, by May 9, 2007. (COMPLETED)

TARA-MANATEE is eligible to apply to MANATEE COUNTY for impact fee credits in accordance with the requirements of the Land Development Code ("LDC") for that portion of the cost of the road improvements described in this paragraph based upon a traffic analysis performed by a professional engineer and submitted to MANATEE COUNTY demonstrating that a specified portion of the road improvement was required to accommodate traffic beyond that generated by TARA-MANATEE'S development (i.e. pass-through traffic or traffic caused by the location of the Braden River bridge).

12. TARA-MANATEE shall design, permit and construct a second lane of a dual lane ramp providing northbound access to I-75 for eastbound left turning traffic on S.R. 70 subject to the terms of the "Proposal for Settlement and Offer to Compromise" and the Reimbursement Agreement required therein. (COMPLETED)
13. MANATEE COUNTY will not issue building permits for construction of the additional 75,000 square feet of commercial use approved May 9, 2006 until completion of the S.R. 70 improvements which are currently under construction ("FDOT S.R. 70 Project"). (COMPLETED)

VI. GENERAL CONDITIONS

1. 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.
2. Prior to 12/31/97, child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
3. 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 Exhibit B (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.

4. Commercial development for Subphase III-Y (as shown on Revised Map H dated June, 2010) shall be limited to the uses described in Exhibit "D".
5. Any freestanding pole sign on Subphase III-Y shall be located within the northeastern quadrant of Subphase III-Y. Signage is limited to a maximum height of 20 feet and 45 square feet in Sign Area. All signage must provide concealment of the main support structure, (e.g., pole), between 20 and 100 percent of sign width with materials consistent with those in the development.
6. All buildings for Subphase III-Y shall be limited to one story construction and a maximum height of 27 feet. A parapet wall may extend a maximum of 8 feet above this height for a maximum of one-half of the front face of the building. A parapet wall may exceed the height limitation of 27 feet, to a maximum of 4 feet for the remaining sides of the building, as allowed by Section 702.5.2.5 of the Land Development Code. This shall be approved by the Planning Department with the Final Site Plan.
7. A 20-foot roadway buffer with 2 staggered rows of canopy and understory trees and shrubs shall be planted (with trees a minimum of 40 feet apart) along Tara Boulevard for Subphase III-Y. One row shall be canopy trees and one row shall be understory trees. Shrubs shall be planted in accordance with Section 715.5.1 of the LDC. Existing landscaping may be used to meet this requirement. This landscaping shall be approved by the NRD and Planning Departments with the Final Site Plan. (COMPLETED)
8. A 10-foot wide landscaped buffer planted with 1 canopy tree per 50 linear feet and 1 understory tree per 30 linear feet shall be provided behind the Tara Entrance Sign. Existing trees may be used to meet this requirement. This shall be approved by the NRD and Planning Departments with the Final Site Plan. (COMPLETED)
9. All building facades for buildings on Subphases III-Y, visible from SR 70 and Tara Boulevard, shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. The colors used for the exterior of the building(s) shall be natural muted colors, which are compatible with others contained in the Tara entrance sign. Painted or exposed concrete block, corrugated metal, or tilt up precast slabs shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
10. All roof mounted H.V.A.C. equipment, loading areas, and dumpsters for structures shall be screened from view from SR 70, Tara Boulevard, and adjacent properties.

Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with the standards of the entranceway.
11. The applicant may pursue approval of a right-in/right-out access from Subphase III-Y on to Tara Boulevard in compliance with all Land Development Code requirements, however, if it creates any capacity or safety problems, the applicant may be required to close the access on Tara Boulevard or to provide an exclusive right-turn lane for north bound to east bound movements. Any administrative Determination under this

Section is appealable in accordance with Section 516 of the Land Development Code or its successor section. (COMPLETED)

12. No development is allowed on Subphase III-S.
13. Proposed projects within Subphase III-Y shall locate loading and delivery areas adjacent to the eastern property line.
14. Construction traffic associated with Subphase III-Y shall not travel Pleasant Hill Road.
15. The Tara entrance signs and existing landscaping within 10 feet of the entrance sign, shall be retained, and the Tara Master Homeowners Association shall be granted an easement for operation and maintenance of the area of the signs and landscaping. (COMPLETED)
16. The minimum setbacks, lot widths and lot areas and maximum heights for Phases II & III shall be as shown on Exhibit "E". These dimensional requirements shall not apply to subphases which have valid Preliminary or Final Site Plans in existence on 7/25/96 in which different setbacks were approved.
17. Where side yards are adjacent to the functional rear yards of corner lots, the driveway on the adjacent lot (non-corner lot) shall be located on the opposite side of the lot from the corner lot.
18. The identification of streets within the TARA project shall be by street names. This shall be shown on all subsequent plats and approved by the Planning Department.
19. The Developer acknowledges that the parcel known as III-S and other common open space areas shall be turned over to the appropriate owner's association.
20. Construction of a drive-through bank on Subphase III-Y shall be in substantial conformance with the proposed building elevations entered into the record September 9, 2003, showing north, south, east, and west views.
21. The applicant shall submit a tracking matrix listing each commercial subphase with the following information: the range of commercial floor area permitted, amount of commercial area proposed, the amount of commercial square footage already developed, the total square footage built to date for Tara, and the maximum commercial square footage allowed for Tara (436,500 square feet). This matrix shall be approved by the Planning Department with all subsequent submittals.
22. The design and shielding of on-site lighting shall comply with Section 709.2.2 of the Land Development Code. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-offs. A photometric plan, including the proposed design and shielding methods of lighting, shall be submitted to the Planning Department along with the Final Site Plan for approval.
23. There shall be a unified theme for the design and construction of Subphases III-R, III-U, III-V, III-Z, and III-AA. The exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least 50% of the

building face is constructed from other permitted materials. The architectural theme shall be approved by the Planning Department with the first Final Site Plan.

24. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
25. Subphase III-R shall be limited to one pole sign with a maximum height of 20 feet, oriented towards SR-70. This shall be approved by the Planning Department with the Final Site Plan.
26. Proposed mini-warehouse use shall not exceed 115,000 square feet and its use shall be restricted to Subphases III-R, III-U, III-V and III-Z. Mini-warehouse use shall be limited to storage only facilities to lessees and shall prohibit personal office, commercial and wholesale/retail sales activities.
27. The Floor Area Ratio for Subphases III-R shall not exceed 0.26.
28. An "Assisted living facility" shall be as defined and licensed under the Florida Statutes.

VII. CONCURRENCY AND PHASING

1. 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.
2. 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.) 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.
3. 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, F.S. 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:

- (a) Phase I-B renamed as Phase II-A on Exhibit B (Map H)
- (b) Phase I-N renamed as Phase III-T on Exhibit B (Map H)
- (c) 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.

- 4. The Certificate of Level of Service #01-007 shall be valid until January 28, 2015.

SECTION 4 LEGAL DESCRIPTION.

OVERALL LEGAL DESCRIPTION

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, 502.356 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 S89°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 SEC 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 CENTER LINE 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

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 D.O.T. R/W OF SAID STATE ROAD NO. 70. 138.05 FT.; THENCE N 70°20'03" W. ALONG SAID D.O.T. R/W 719.00 FT.; THENCE N 48°46'37" W. ALONG SAID D.O.T. 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 P.R.C. 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 1/4 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 FLAT 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 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 "FRENAL. 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 S.R. 70. REFERRED TO AND DESCRIBED AS PARCEL #101 PER D.O.T. R/W MAPS. SECTION 13160-25 16.

CONTAINING 1124.21 ACRES MORE OR LESS.

LEGAL DESCRIPTIONS OF PROPERTY REZONED FROM PDR TO PDC:

COM AT THE INT OF THE ELY R/W OF TARA BLVD ON THE PLAT OF TARA PHASE 1, UNIT 1, RECD IN PB 24 PG 144-152 & THE SLY R/W OF 55TH AVE E ON THE PLAT OF TARA COMMERCIAL SUB. RECD IN PB 27 PGS 13-15. TH S 48DEG 31 MIN 24 SEC E, ALG THE SLY R/W OF 55TH AVE E A DIST OF 39.67 FT; (SHOWN AS 39.36 FT ON SD TARA COMMERCIAL SUB) TO THE P.C. OF A CURVE TO THE LEFT, HAVING A RAD OF 212 FT & A C/A OF 35 DEG 42 MIN 16 SEC; TH CONT ALG SD R/W ALG THE ARC OF SD CURVE, AN ARC LENGTH OF 132.11 FT TO THE END OF SD CUVE; TH S 05 DEG 47 MIN 20 SEC W, A DIST OF 126.61 FT; TH S 26 DEG 53 MIN 59 SEC W, A DIST OF 152.03 FT; TH N 63 DEG 12 MIN 04 SEC W, A DIST OF 261.46 FT TO THE ELY R/W OF SD TARA BLVD & A PT ON A CURVE TO THE RIGHT THE CENTER OF WHICH LIES S 81 DEG 36 MIN 50 SEC E, A RADIAL DIST OF 240 FT, HAVING A C/A OF 46 DEG 17 MIN 48 SEC; TH ALG THE ARC OF SD CURVE, AN ARC LENGTH OF 193.93 FT TO THE P.R.C. OF A CURVE TO THE LEFT, HAVING A RAD OF 360 FT & A C/A OF 14 DEG 38 MIN 56 SEC; TH ALG THE ARC OF SD CURVE, AN ARC LENGTH OF 92.04 FT TO THE POB, SD PARCEL CONT 65000 SF M/L, TOGETHER WITH & SUBJ TO EASMTS OF RECORD (1438/4733) PI# 17315.0250/4

ALSO:

LOTS 5 AND 6 OF "TARA COMMERCIAL TWO", A COMMERCIAL SUBDIVISION AS RECORDED IN PLAT BOOK 47, PAGES 59 THROUGH 64, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO:

TARA PHASE 1-N

COMENCE AT THE SOUTHWESTERLY CORNER OF TARA BOULEVARD, AS SHOWN ON THE PLAT OF TARA PHASE 1, UNIT 1, RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; SAID POINT LYING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 71°42'18"E, 1020.00 FT.; THENCE RUN SOUTHERLY ALONG THE WESTERLY R/W OF SAID "TARA BOULEVARD", AS SHOWN ON THE PLAT OF TARA PHASE 1, UNIT 2, RECORDED IN PLAT BOOK 24, PAGES 195 THROUGH 202, AFORESAID PUBLIC RECORDS AND THE ARC OF A CURVE, THROUGH A CENTRAL ANGLE OF 16°08'00", A DISTANCE OF 286.32 FT.; THENCE N 39°43'58"W, 155.74 FT.; THENCE N 05°50'03"W, 251.06 FT.; TO THE INTERSECTION WITH THE SOUTH R/W OF "STONE RIVER", A 50 FT. WIDE PUBLIC R/W, AS SHOWN ON AFORESAID PLAT OF "TARA PHASE 1, UNIT 1", SAID POINT LYING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 18°52'59"W, 725.00 FT.; THENC RUN SOUTHEASTERLY ALONG

SAID SOUTH R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $00^{\circ}45'58''$, A DISTANCE OF 9.70 FT., TO THE P.T. OF SAID CURVE; THENCE S $70^{\circ}20'03''$ E, ALONG SAID SOUTH R/W, 160.77 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID SOUTH R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $88^{\circ}37'45''$, A DISTANCE OF 38.67 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 14, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

SECTION 5 SEVERABILITY.

It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance 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 Ordinance shall remain in full force and effect.

SECTION 6 EFFECTIVE DATE

This Ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

SECTION 7 AMENDMENT OF ZONING ORDINANCE FOR DRI NO. 11

1. The previous zoning ordinance for TARA which was adopted on May 9, 2006 and all prior 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.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 7th day of October, 2010.

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

By: _____

Donna G. Hayes
Donna G. Hayes, Chairman

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

By: _____

Susan P. Rovine
Deputy Clerk

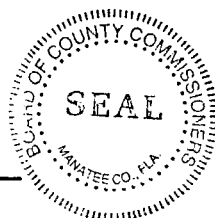


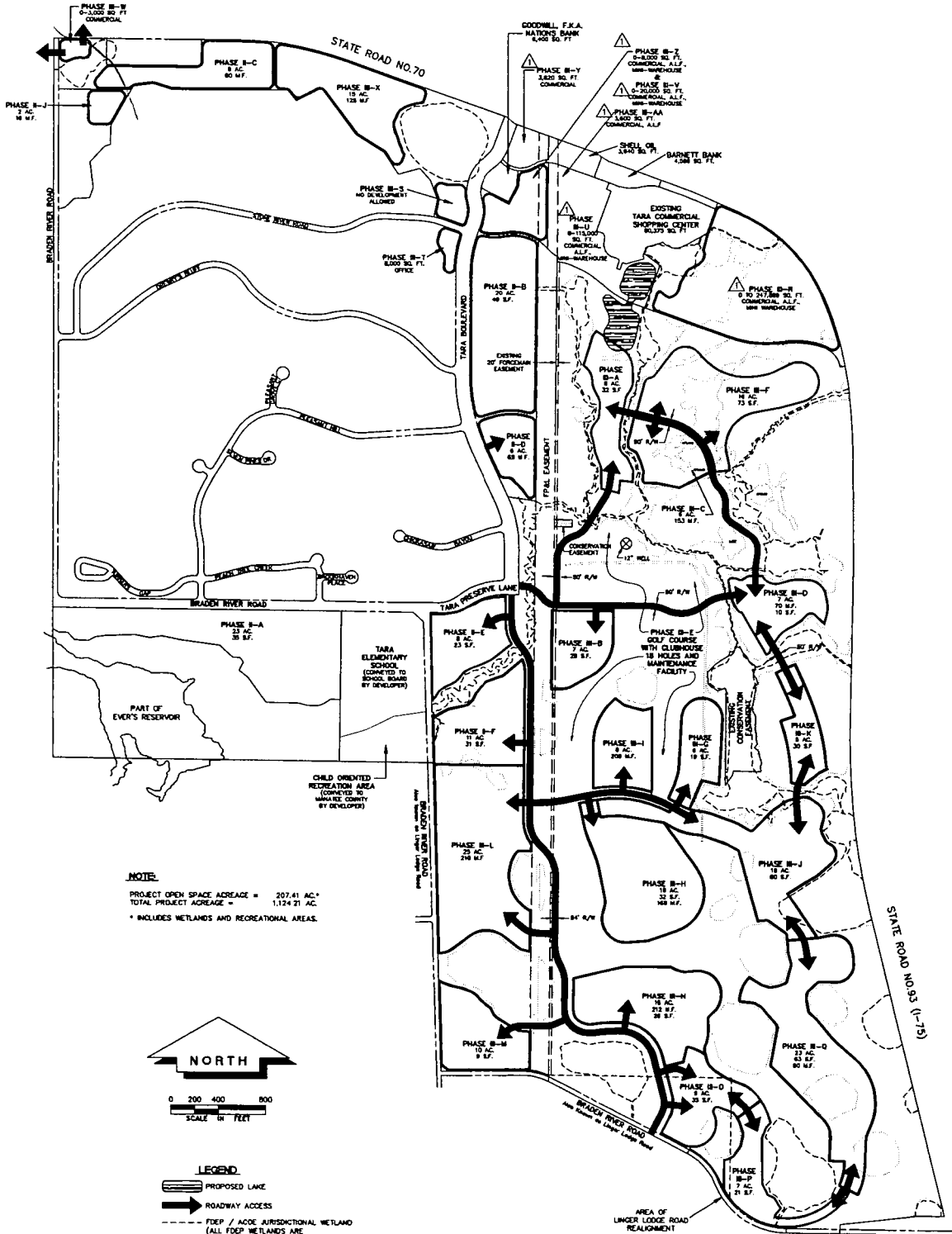
EXHIBIT A

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.



NOTE:
 PROJECT OPEN SPACE AGREE = 207.41 AC.*
 TOTAL PROJECT AGREE = 1,124.21 AC.
 * INCLUDES WETLANDS AND RECREATIONAL AREAS.



- LEGEND**
- PROPOSED LAKE
 - ROADWAY ACCESS
 - FDEP / ACDE JURISDICTIONAL WETLAND (ALL DEEP WETLANDS ARE JURISDICTIONAL TO ACDE. HOWEVER, ACDE WETLANDS NOT JURISDICTIONAL TO FDEP ARE SHOWN SEPARATELY.)
 - ACDE JURISDICTIONAL WETLAND ONLY

GENERAL DEVELOPMENT PLAN

MAY, 1999
 APPROVED REVISION JULY, 2004
 REVISED AUGUST, 2004
 REVISED APRIL, 2006
 REVISED DECEMBER, 2009
 REVISED JUNE, 2010

FOR **TARA**

SECTIONS 13, 14, 23 AND 24, TWP. 35 S., RGE. 18 E.
 MANATEE COUNTY, FLORIDA

LOMBARDO, FOLEY & KOLARIK, INC.
 Consulting Engineers, Surveyors and Planners
 P.O. Box 188 • 626 4th Street West • Palmetto, Florida 34221 • 941 752-4661



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 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 ^(a)	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 ^(a)	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 ^(a)	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		60	7,000	25	7.5	15
		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.