

MANATEE COUNTY ORDINANCE NO. PDR/PDC-96-03(G)(R7)  
TARA-MANATEE, INC.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING A REVISED ZONING ORDINANCE AND GENERAL DEVELOPMENT PLAN; 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 GDP; AMEND THE GENERAL DEVELOPMENT PLAN TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE ZONING ORDINANCE INCLUDING TERMINOLOGY, FORMATTING, AND CLARIFICATION CHANGES; TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; 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, 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. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for a revised Zoning Ordinance, as it relates to the real property described in Section 2.VIII. of this Ordinance.

B. The Board of County Commissioners held a public hearings on November 30, 2004 regarding the revised Zoning Ordinance in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The public hearing referenced above has been conducted in conjunction with public hearings for changes to the DRI Development Order for the same project, submitted pursuant to Chapter 380, Florida Statutes.

D. The revised Zoning Ordinance regarding the property described in Section 2. VIII., herein, is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended (The 2020 Manatee County Comprehensive Plan).

E. The proposal to move Subphase II-H and II-I to Phase III and rename them III-Z and III-AA respectively and revise Exhibit C to comply with the approved GDP.

F. No other substantive changes are intended by this amendment.

Section 2. The Revised General Development Plan (Map H dated August 2004) is 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 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.
  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 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.
  6. 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.
  7. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
  8. 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.
  9. TARA shall install and maintain the water quality control system to comply with all conditions, limitations, and restrictions imposed in applicable permits.

10. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
11. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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)
20. 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 June 2003 , 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 shall 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.

21. 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.
22. 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 Phases 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.

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 signalizing 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 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.
7. The Tara developer shall pay for and install a traffic signal of the intersection of Tara Boulevard and Stone River Road when warranted by the MUTCD. The timing of this improvement shall be determined by the Manatee County Transportation Department. The final design of said improvements shall be approved by the Manatee County Transportation Department.
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.
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 55<sup>th</sup> 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.
10. Future Certificate of Level of Service traffic analyses will require all intersections to maintain Level of Service standards for all movements.

**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 Map H (dated August 2004) 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. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, 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:

- (a) Current traffic count data (ADT) for the following locations:
    - (i) East of the main entrance a on S. R. 70
    - (ii) Main entrance road near S.R. 70
    - (iii) Between Braden River Road and the Braden River on S.R. 70
    - (iv) East of U.S. 301 relocated on S.R. 70
    - (v) West of U.S. 301 relocated on S.R. 70
  - (b) Traffic Monitoring as described in V.6 of this Ordinance.
5. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA, 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 of 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 attorney 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.

6. Commercial development for Parcel III-Y (as shown on Revised Map H dated 8/28/98) shall be limited to the uses described in Exhibit "D".
7. Any freestanding pole sign on Parcel III-Y shall be located within the northeastern quadrant of Parcel 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.
8. All buildings for Parcel 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.
9. 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 Parcel 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 Environmental Management and Planning Departments with the Final Site Plan. (COMPLETED)
10. 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 Environmental Management and Planning Departments with the Final Site Plan. (COMPLETED)
11. All building facades for buildings on Parcel 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.
12. 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.
13. The applicant may pursue approval of a right-in/right-out access from Parcel 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 13 is appealable in accordance with Section 516 of the Land Development Code or it's successor section.

14. No development is allowed on Parcel III-S.
15. Proposed projects within Parcel III-Y shall locate loading and delivery areas adjacent to the eastern property line.
16. Construction traffic associated with Parcel III-Y shall not travel Pleasant Hill Road.
17. 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)
18. 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.
19. 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.
20. 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.
21. 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.
22. Construction of a drive-through bank on Parcel 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.
23. 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 (361,500 square feet). This matrix shall be approved by the Planning Department with all subsequent submittals.
24. 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.
25. 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.

26. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
27. 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.
28. 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.

## 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 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:

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

- (b) Phase I-N renamed as Phase III-T on Map H
- (c) 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.

- 4. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

**VIII. LEGAL DESCRIPTION.**

(REZONE FROM PDR/WP-E/ST TO PDC/WP-E/ST - TARA PARCEL III-Y)  
COMMENCE AT THE NORTHWEST CORNER OF LOT 3. "TARA COMMERCIAL SUBDIVISION", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 27, PAGES 13 THROUGH 15. PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. FOR A POINT OF BEGINNING; THENCE RUN S 00°21'08" W, ALONG THE WEST LINE OF SAID LOT 3, 201.03 FT., TO THE INTERSECTION WITH THE NORTHERLY LINE OF TRACT "B" (55<sup>TH</sup> AVE EAST), A 24 FT. WIDE PRIVATE EASEMENT AS SHOWN ON SAID PLAT OF "TARA COMMERCIAL SUBDIVISION", SAID POINT LYING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 00°31'50" W, 212.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE. THROUGH A CENTRAL ANGLE OF 36°08'25". A DISTANCE OF 133.72 FT., TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTH. HAVING A RADIUS OF 188.00 FT.; THENCE RUN SOUTHWESTERLY AND NORTHWESTERLY. ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE. THROUGH A CENTRAL ANGLE OF 77°04'53"; A

DISTANCE OF 252.92 FT., TO THE P.T. OF SAID CURVE THENCE N 48°31'52" W. ALONG SAID NORTHERLY LINE. 40.78 FT., TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF TARA BOULEVARD. A 120 FT. WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, AFORESAID PUBLIC RECORDS, SAID POINT LYING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 53°49'01" W. 3670.00 FT., THENCE RUN NORTHEASTERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°31'04". A DISTANCE OF 103.78 FT., TO THE P.T. OF SAID CURVE. THENCE N 19°39'57" E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE 219.20 FT., TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 70 PER F.D.O.T. RIGHT-OF-WAY MAP SECTION 13075-2402; THENCE S 70°20'03" E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 285.62 FT., TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 14, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 2.28 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.  
(GENERAL DEVELOPMENT PLAN)

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 17320.74FT., 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.

**IX. 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.

**X. EFFECTIVE DATE**

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

**XI. AMENDMENT OF ZONING ORDINANCE FOR DRI NO. 11.**

1. 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.

PASSED AND DULY ADOPTED, by the board of County Commissioners of Manatee County, Florida on the 30<sup>th</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

BY: 



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

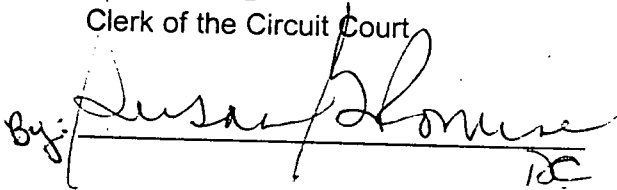
By: 

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.

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



STATE OF FLORIDA, COUNTY OF DUVAL  
 I hereby 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 12<sup>th</sup> day of December, 2004  
 R.D. SHORE  
 Clerk of Circuit Court  
*Kent J. Curdrey*





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,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/kcs

Enclosure