

**LIVINGSTON  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6904**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted from August 7, 2007 thru October 26, 2009, unless otherwise stipulated or modified herein.

**Open Space/Buffering**

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Lot lines shall not encroach into the wetlands and wetland buffers. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code (LDC) density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. There shall be a buffer around all Category I wetlands of 25 feet, not inclusive of any lots. Wetland buffers around Category II and Category III wetlands shall be required in accordance with the Southwest Florida Water Management District (SWFWMD) or other regulatory agencies and shall not be inclusive of any lots. The proposed upland buffer area shall be shown on the construction plans/construction site plans. The final upland buffer area, as required by the SWFWMD or other regulatory agencies, shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD or other regulatory agencies.
4. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands and wetland buffers shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' buffer line unless otherwise approved by the regulatory agencies and Pasco County. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. The homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
5. The developer has submitted an environmental/habitat study which has been reviewed by County staff and the following conditions shall apply:
  - a. Prior to issuance of the Site Development Permit, the developer shall complete any gopher tortoise relocation and shall submit a copy of any required permit for gopher tortoises issued by the FFWCC to the Permits and Development Information Services Department.
  - b. Prior to construction plan/construction site plan approval, the developer shall submit to the Permits and Development Information Services Department a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developer shall submit to the Permits and Development Information Services Department a copy of the Environmental Resource Permit.
6. The developer has submitted a clearance letter from Division of Historical Resources dated April 10, 2007. Although no archaeological sites eligible for the National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or

historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

7. The developer shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County (School Board). The developer shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. The deed restrictions shall prohibit parking across any sidewalk area on any driveway. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.
8. Buffer walls (if required) on Wyndfields Boulevard and Oldwoods Avenue shall be reviewed and approved with the preliminary plan/preliminary site plan for the abutting village(s). If no buffer walls are proposed, landscape and/or berm requirements shall be established by Pasco County at preliminary plan/preliminary site plan approval for the abutting village(s).

### **Ordinances**

9. In addition to the MPUD Master Planned Unit Development conditions of approval, the developer shall comply with all Pasco County ordinances, including all impact fee ordinances.
10. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owner/developer shall be required to comply with such ordinances/resolutions.

### **Transportation/Circulation**

#### **Access Management**

11. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the LDC as amended. The emergency access may be barricaded in a manner found acceptable by the Permits and Development Information Services Department and the Emergency Services Department.
12. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owner/developer shall furnish to the Permits and Development Information Services Department a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first Certificate of Occupancy (CO), the owner/developer shall provide a letter from the Florida Department of Transportation stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
13. At each preliminary plan/preliminary site plan approval, the DRC may also require further intersection improvements along the internal road intersections.
14. All roads that will be used to access public-purpose sites, such as public school, park, library, and fire/rescue sites (as determined by the School Board, Parks and Recreation Department, Libraries Services Department, Emergency Services Department, or DRC, as applicable) shall be public roadways and constructed in accordance with applicable County/FDOT design, construction, and signage standards; e.g., Chapter 316, Florida Statutes, and *Manual of Uniform Traffic Control Devices* standards. Such roadways shall be deeded in fee simple to the County or FDOT, as applicable, prior to or concurrent with the first record plat containing such roadways or where no record plat is required, prior to or concurrent with the issuance of the first CO for a building utilizing such roadways.

15. The access points shown on the master plan are not approved. The developer is required to submit a separate roadway alignment plan for approval, which may be deferred until the County completes its planned Route Studies for Oldwoods Avenue and Beardsley Drive, as addressed below. All accesses shall meet access-management criteria.
16. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

Dedication of Right-of-Way

17. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to or concurrent with the first preliminary plan/preliminary site plan approval.
18. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
19. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
20. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 142 feet of right-of-way for the north-south public roadway depicted on the MPUD Plan as "Future Wyndfields Boulevard Extension", from the northern project boundary to the southern project boundary. The location of the southern terminus on the project's southern boundary shall be determined by the County at preliminary plan approval.

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities for a 4-lane facility on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Wyndfields Boulevard Extension within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, buffers and buffer walls, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Wyndfields Boulevard Extension and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section 403. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

21. The developer shall reserve the following right-of-way reservations within the project boundaries as depicted on the MPUD master plan:
  - a. A 142 feet wide right-of-way for the potential east-west public roadway depicted on the MPUD Plan as Oldwoods Avenue Extension, along the northern project boundary, or otherwise as determined by the County's Route Studies, below, from the west to the east project boundary.
  - b. A 80 feet right-of-way for the potential east-west public roadway depicted on the MPUD Plan as Beardsley Drive Extension, along the southern project boundary, from the west to the east project boundary.

The County may conduct independent Route Studies to determine east-west roadway alignments to serve as a parallel facilities south of S.R. 56. Upon completion of the Route Studies the County may delete, modify or relocate the reserved right-of-way requirements under this condition at Preliminary Plan approval. This condition shall expire if the County has not completed the Route Studies at the time of final record plat approval for the 601st unit. The required rights-of-way shall be conveyed to the County after acceptance of road construction by the County, unless such right-of-way is required

sooner by the County, for roadway construction by others. In the event the County conducts the Route Studies, the developer shall reimburse the County one-third of the total Route Study costs, concurrent with approval of the first preliminary plan, up to a maximum reimbursement of \$50,000.00.

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities for a 4-lane facility for Oldwoods Avenue, and for a 2-lane facility for Beardsley Drive (if required) on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Oldwoods Avenue Extension and/or Beardsley Drive Extension within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, buffers and buffer walls, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Oldwoods Avenue Extension and/or Beardsley Drive Extension and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section 403. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

#### Design/Construction Specifications

22. Prior to preliminary plan/preliminary site plan submittal, the developer shall supply evidence that it has coordinated with the developers and engineers/surveyors of any affected, adjoining parcels to identify and provide the location of the required interconnecting roadway. The following information shall be shown on all preliminary plans/preliminary site plans and construction plans/construction site plans that include or abut the interconnecting roadway: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent bearing/curve geometry) to provide a seamless continuation of this road at property lines.
23. No excavation within the area of future lanes of multilane facilities will be allowed with the exception of excavation for drainage structures, permitted removal of wetlands, excavation to match existing grade, or as directed by the Engineering Services Director.
24. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
25. The developer has submitted a traffic study that was reviewed by the staff of the County. Prior to approval of the first record plat, or where platting is not required, prior to the issuance of the first Building Permit, the developer shall construct the following site-access improvements:
  - a. Design and permit for 4-lanes and construct a 2-lane road within and to the boundaries throughout the project on Oldwoods Avenue, Wyndfields Boulevard, and/or Beardsley Drive (2-lane design only) in phases to be determined in the Master Roadway Phasing Plan, to be approved by the County. The Beardsley Drive requirement may be deleted by the County after the planned Route Studies, above.
  - b. Construct turn lanes to the project driveways and at the intersections of Oldwoods Avenue, Wyndfields Boulevard, and Beardsley Drive (if applicable), as determined during site plan review.

Prior to or concurrent with the first record plat, or where platting is not required, prior to the issuance of the first Building Permit or December 31, 2015, whichever occurs first, the developer(s) shall complete or the following off-site improvements:

#### Phase 1 (Up to 600 residential units)

##### Site-Related Improvements:

- a. Construct Oldwoods Avenue as a 2-lane undivided roadway from Meadow Pointe Boulevard to the project entrance (if not constructed by others at an earlier date).

- b. At the Meadow Pointe Boulevard and Oldwoods Avenue intersection, add southbound and westbound left turn lanes and the westbound right turn lane (if not constructed by others at an earlier date).

These improvements are site-access related and shall not be impact fee creditable.

Off-Site Improvements:

- c. At the Beardsley Drive and Mansfield Boulevard intersection, prior to the first record plat, or anytime at the County's request, the developer shall pay for and perform a signal warrant study and signalize the intersection when warranted by the MUTCD (if not constructed by others at an earlier date).
- d. At the County Line Road and S.R. 581 intersection add a second southbound left turn lane (if not constructed by others at an earlier date).

The project's proportionate share amount for items c. and d. of the foregoing Phase 1 improvements is \$94,651.00. Construction by the developer of c. and d. shall satisfy \$94,651.00 of the projects proportionate share obligation. If any of the off-site improvements are constructed by the County or others prior to the applicable deadline set forth herein (600 units), the County may require an alternative improvement or a cash payment which shall be determined prior to preliminary plan approval for the 600th unit.

With respect to the required off-site improvements for Oldwoods Avenue to the project boundary, the County shall continue to enforce the existing obligations of the other third-party landowners to donate such off-site right-of-way, pursuant to their existing and any amendments to their respective development orders and/or development agreements. The County and the developer will cooperate to seek coordination of such off-site right-of-way donations consistent with the County's planned Route Studies, and to meet the construction needs of the various, affected projects.

Prior to or concurrent with the first record plat, or where platting is not required, prior to the issuance of the 601st Building Permit or December 31, 2019, whichever occurs first, the developer(s) shall complete or the following off-site improvements:

Phase 2 (From 601 up to 1800 residential units)

In addition to the improvements indicated for Phase 1, construct the following:

- a. Widen S.R. 56 from Mansfield Boulevard to Meadow Pointe Boulevard from four lanes to six lanes.
- b. At the S.R. 56 at S.R. 581 intersection, construct a grade separation to carry six through lanes on S.R. 56 and construct an at grade intersection to include dual left turn lanes for the northbound, southbound, eastbound, and westbound movements, three through lanes for the northbound and southbound movements, and a single right turn lane for the northbound, southbound, eastbound, and westbound movements.
- c. At the County Line Road and S.R. 581 intersection, add a westbound right turn lane.
- d. At the County Line Road and Mansfield Road intersection, add dual eastbound left turn lanes, a second northbound left turn lane, and a second southbound right turn lane.
- e. At the S.R. 56 and Mansfield Boulevard intersection, add third northbound and southbound left turn lanes, a second westbound left turn lane, and construct an eastbound receiving lane on S.R. 56 (0.25 mile long) for the northbound right turn.
- f. At the Beardsley Drive and Meadow Pointe Boulevard intersection, add an eastbound left turn lane and a southbound right turn lane, and signalize when warranted by the MUTCD.
- g. At the S.R. 56 and Meadow Pointe Boulevard intersection, add second northbound and southbound left turn lanes and a southbound receiving lane (0.25 mile long) for the eastbound right turn movement.
- h. At the Beardsley Drive and Mansfield Boulevard intersection, if not signalized in Phase 1 or constructed by others at an earlier date, prior to approval of the last record plat, or anytime at

the County's request, the developer shall pay for and perform a signal warrant study and signalize the intersection when warranted by the MUTCD.

- i. Construct Beardsley Drive as a 2-lane undivided roadway from Meadow Pointe Boulevard to the project entrance if needed for project access. The Beardsley Drive requirement may be deleted by the County after the planned Route Studies, above.

26. In lieu of the above-mentioned off-site improvements, the developer(s)/applicant(s) shall pay a proportionate share in the amount of \$9,352,932 for the improvements specified in Condition No. 25, above. This amount is based upon 2009 dollars. However, the estimated transportation impact fees for the project, based upon the total of 1800 residential units as analyzed in the approved traffic study, is \$21,200,000.00, based upon 2012 TIF schedules, which substantially exceeds the proportionate share obligation for the project, as approved herein. Therefore, the developer may pay the applicable transportation impact fees when and as due for residential units (as completed) under the applicable impact fee ordinances, which shall be deemed to satisfy the developer's proportionate share obligation. Notwithstanding the foregoing, the developer shall not proceed beyond Phase 1 (600 units) unless and until S.R. 56 is extended (by others) to Wyndfields Boulevard, and Wyndfields Boulevard is extended (by others) southward from S.R. 56 to the project's northern boundary, so as to provide additional access to the project (other than Oldwoods Avenue, only).

The developer therefore also shall have the option to contribute all or a portion of its proportionate share amount toward the construction of said Phase 2 off-site improvements, subject to mutual agreement by the County and the other constructing parties, for any portion of such improvements.

If any portion (or all of the proportionate-share payment is made under this option, the developer(s)/applicant(s) shall be entitled to impact fee credits against the proportionate-share payment actually made, in accordance with the Impact Fee Ordinance as amended.

27. Should a change/reduction in the proportionate-share payment be requested in the future, a revised traffic analysis shall be required in order to assess traffic impacts of the MPUD Master Planned Unit Development.
28. Prior to or concurrent with the approval of the first construction plan/construction site plan, if applicable, the developer shall obtain Right-of-Way Use Permits for the construction of the improvements identified above.
29. Prior to final plat approval for residential, or where platting is not required, prior to the issuance of any Building Permits occurring after December 31, 2015 for Phase 1 and December 31, 2019 for Phase 2, the developer shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County. The buildout dates approved herein are inclusive of any and all extensions made available by the County through the date hereof.
30. The traffic study submitted by the applicant assumes the following land uses: 1,260 Single Family Residential and 540 Condominium/Townhomes. Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicant or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicant or development based on the updated County approved traffic study.
31. Prior to the first preliminary plan/preliminary site plan submittal (and after the County completes its Route Studies, above), the developer shall submit a Master Roadway Plan to the Zoning and Site

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Development Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and arterial roadways within the MPUD Master Planned Unit Development. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the LDC, Section 610.3. Approval of this plan must be obtained from the DRC prior to the first preliminary plan/preliminary site plan submittal. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections.

32. The developer shall comply with the County and Pasco County Public Transportation requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or Pasco County Public Transportation. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning and Site Development Department for review and the DRC's approval prior to or concurrent with the preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to Pasco County Public Transportation review and approval in accordance with the Pasco County Public Transportation *Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicant/developer and their successors shall not refuse the Pasco County Public Transportation, or any other transit authority, or any of its users/patrons access to such facilities.
33. The developer may submit an overall pedestrian/bike path plan to the Zoning and Site Development Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County LDC as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the LDC is required.

#### **Utilities/Drainage/Water Service/Wastewater Disposal**

34. The developer shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County LDC as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the Permits and Development Information Services Department.
35. A Utilities Service Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
  - a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and nonpotable water lines, if applicable.
  - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Utilities Service Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
36. The developer shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.

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37. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, and then only for so long as such a production failure or shortfall exists, the developer/owner shall transfer to Pasco County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or groundwater within the subject property, provided that the same are not needed to continue any existing agricultural uses on the subject property, in which case, such transfer shall not be required as long as such agricultural uses are active.
  - b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

#### Water Quality and Drainage

38. Development of the project shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan and LDC, as may be amended from time to time.
39. The project's stormwater-management system shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 40D-40; and Pasco County stormwater-management requirements as may be amended from time to time. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the applicant/developer shall comply with the following design requirements:
- a. All swales shall be fully vegetated and operational.
  - b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.
  - c. The applicant/developer or other responsible entities shall ensure that the stormwater-management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
  - d. Should the applicant/developer discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the applicant/developer shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The developer report(s) shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since the previous report(s).
  - e. Landscape and irrigation shall be in conformance with the LDC in effect at the time of preliminary plan/site plan approval.
40. Stormwater design shall include low impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State water quality standards.

#### Water Resource Protection

41. The applicant/developer shall comply with the Pasco County Wellhead Protection Ordinance.
42. Should any noticeable soil slumping or sinkhole formation become evident, the applicant/developer shall immediately notify the County, TBW, and the SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and the SWFWMD:
- a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and the SWFWMD approve resuming construction activities.

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- b. Take immediate measures to ensure that no surface water drains into the affected areas.
  - c. Visually inspect the affected area.
  - d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
  - e. Use geotextile materials in the backfilling operation, when appropriate.
  - f. If the affected area is in the vicinity of a water retention area, maintain a minimum vertical distance of five feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.
  - g. If the affected area is in the vicinity of a water retention area and the above methods do not stabilize the collapse, relocate the retention area.
43. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.
44. The historic, average rainfall volume discharged from the site shall be maintained in accordance with the LDC, Sections 604, 605, 606, as applicable, and the *Stormwater Management Practices Manual*.

### Land Use

45. The residential design standards are as follows:
- a. Single Family Detached
    - (1) Minimum Lot Width of 50 Feet
    - (2) Minimum Lot Depth of 100 Feet
    - (3) Minimum Front-Yard Setback of 20 Feet\* (25 feet from back of sidewalk to face of garage)
    - (4) Minimum Side-Yard Setback of 7.5 Feet
    - (5) Minimum Rear-Yard Setback of 15 Feet
    - (6) Minimum Lot Area of 5,500 Square Feet
    - (7) Maximum Lot Coverage of 65 Percent—Principal and Accessory Structure
    - (8) Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the structure and a minimum of 15 feet from the side of the structure.

\* On corner lots where there is more than one front, one front-yard setback may be reduced to 15 feet.
  - b. Single Family Attached (Townhomes)
    - (1) Minimum Lot Width of 16 Feet
    - (2) Minimum Lot Depth of 50 Feet
    - (3) Minimum Front-Yard Setback of 15 Feet (without garage)
    - (4) Minimum Front-Yard Setback of 20 Feet to back of sidewalk (with garage) (25 feet from back of sidewalk to face of garage).
    - (5) Minimum Side-Yard Setback of 0 - 7.5 Feet\*\*
    - (6) Minimum Rear-Yard Setback of 10 Feet
    - (7) Minimum Lot Area of 800 Square Feet
    - (8) Maximum Lot Coverage of 90 Percent—Principal and Accessory Structure
  - c. Single Family Attached (Villas)
    - (1) Minimum Lot Width of 32 Feet
    - (2) Minimum Lot Depth of 100 Feet
    - (3) Minimum Front-Yard Setback of 20 Feet (25 feet from back of sidewalk to face of garage).
    - (4) Minimum Side-Yard Setback of 0 - 7.5 Feet\*\*
    - (5) Minimum Rear-Yard Setback of 10 Feet
    - (6) Minimum Lot Area of 3,200 Square Feet
    - (7) Maximum Lot Coverage of 80 Percent—Principal and Accessory Structure

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\*\* The average distance between structures, for any building containing more than four units, shall be 30 feet, with no point closer than 20 feet.

- d. Multi-family Units (Condominiums/Apartments)
    - (1) Minimum Front-Yard Setback of 20 Feet
    - (2) Minimum Rear-Yard Setback of 15 Feet
    - (3) Minimum Side-Yard Setback of 10 Feet (20 Feet Building Separation)
    - (4) Maximum Building Height of 50 Feet
    - (5) Maximum Lot Coverage of 100 Percent
  - e. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the LDC. Any reduction of the minimum right-of-way width may require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
  - f. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
  - g. The total aggregate number of dwelling units for Livingston MPUD shall not exceed 1,800.
  - h. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions.
  - i. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
46. Any proposed increase in density/intensity that results in an overall increase greater than or equal to five percent cumulatively, or a change in overall design and/or content occurs, a substantial amendment shall be presumed. Additionally, should the proposed amendment result in an increase in density/intensity that necessitates a revised traffic study, then the request shall be presumed to be substantial.
47. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
48. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
49. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of four acres to be used for recreational vehicle storage for the exclusive use of Livingston MPUD residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/ property owners'/condominium owners'/merchants' association or CDD.

#### **Education Facilities**

#### **Payment of Impact Fees**

50. The developer shall pay school impact fees for the impacts of the residential component of the MPUD to the District School Board of Pasco County (School Board) in accordance with the terms of the School Impact Fee Ordinance, No. 01-06, adopted February 27, 2001, as amended.

#### **School Concurrency**

51. School concurrency requirements as may be adopted by the County in the future are not waived nor satisfied by this MPUD approval. The developer shall be required to comply with all provisions of a subsequently adopted School Concurrency Ordinance and the requirements to provide for school capacity as mandated by such ordinance, unless the MPUD is vested pursuant to such ordinance.

### Potential Conveyance of Land

52. If requested by the School Board prior to issuance of the 600<sup>th</sup> building permit for residential units within the project, the developer shall convey to the School Board property for a school site for development of an educational facility to serve the MPUD and surrounding developments (School site). In the event the site has not yet been requested from the developer, the developer, prior to the issuance of the 600<sup>th</sup> building permit, must provide written notice to the School Board of the School Board's obligation hereunder to request a school site if needed.
- a. The School site shall accommodate an elementary school as generally depicted on the master plan and as specifically approved by the School board. The School site shall be a minimum of 18 acres of contiguous, developable uplands if the developer provides the School site stormwater off-site, and the developer shall assume responsibility for the construction and maintenance of stormwater/drainage for the site. Should stormwater be accommodated on the School site, the School site shall be a minimum 22 acres of contiguous, developable uplands. Wetlands, required buffers around wetland areas, jurisdictional buffers, and landscape buffers along roadways required pursuant to the LDC as amended, shall not be eligible to be counted toward the required acreages for the foregoing conveyances, unless otherwise acceptable to the School Board.
  - b. The School site shall be conveyed to the School board prior to issuance of the 601<sup>st</sup> building permit for residential units within the project. The developer shall provide the School Board with a legal description, sketch, and all other conveyance documents as required by the School Board for such School site within ninety (90) days after written request by the School Board. All conveyances shall be in a form acceptable to the School Board, be free and clear of all liens, be exempt from boundaries of all special districts, and be exempt from all covenants and deed restrictions.
  - c. The developer shall provide potable water and sanitary sewer to the School site prior to issuance of the project's 601<sup>st</sup> building permit for residential units. In accordance with the LDC and the USP, where applicable to the proposed entrance to the School site and all such connections, shall be brought to the physical boundaries of such site, such that no additional jack and bore work will be required under any access roads.
  - d. If stormwater infrastructure is provided off site by the developer, the developer shall complete the stormwater infrastructure/drainage facilities for the School site prior to issuance of the 601<sup>st</sup> building permit for residential units.
  - e. Prior to issuance of the 601<sup>st</sup> building permit, the developer shall have completed construction of Oldwoods Avenue adjacent to the School site.
  - f. Landscape buffers shall be provided by the developer along all County collector roadways in accordance with the LDC as amended.
  - g. If a roadway conveyance or if the School Site conveyance creates a strip of land between the proposed access roads and the School Site, the developer shall be required to adjust or provide additional conveyances as requested by and at no cost to the School Board.
  - h. To the extent necessary, the School Board shall provide all necessary consents, easements, approvals, or other permit applications requested by the developer that are necessary for the developer to provide roadway, potable water, sewer, and drainage facilities required by this condition.
  - i. Subject to final agreement between the developer and the School Board, the developer shall either be paid in cash or shall receive school impact fee credit and/or school concurrency credit (if applicable) for the foregoing conveyance in the amount of 115 percent of the County Property Appraiser's value at the time of conveyance, which shall not exceed Fifty Thousand and 00/100 Dollars (\$50,000.00) per upland acre actually conveyed to the School Board. Credits shall not begin to accrue until such conveyance is complete. If stormwater is accommodated off site, the credit shall be based on 22 acres, which includes the 18-acre site and an additional 4-acres to accommodate stormwater off site. If stormwater is accommodated on site, the credit shall be based on 22-acres or the actual acreage conveyed.
  - j. Any request(s) by the developer to change any of the developer's deadlines pursuant to this section must be approved by the School Board and the DRC or Board of County Commissioners no later than one (1) year in advance of the deadline.

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- k. If the School Board elects not to require the School site conveyance hereunder, the School site area designated on the MPUD Plan may be utilized for either multi-family or single-family development hereunder, at the election of the developer; provided, however, that not more than 1800 total residential units shall be allowed for the MPUD project. Such change shall be made as a preliminary plan modification and shall not require any MPUD amendment.

### Procedures

53. A disclosure statement regarding the construction of all future roadways abutting and through the MPUD Master Planned Unit Development shall be included in all sales contracts for residential and nonresidential sales with the MPUD Master Planned Unit Development. This disclosure shall include the future roadway's number of lanes and construction timing, if applicable.
54. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
55. If the preliminary plans and/or preliminary site plans for the entire MPUD Master Planned Unit Development are not approved within six years of the original rezoning approval or from the last approved substantial modification, the conditions of approval shall expire for those portions of the MPUD Master Planned Unit Development that do not have (unexpired) preliminary plan or preliminary site plan approval. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and LDC in effect at that time.
56. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
57. A preliminary plan/preliminary site plan must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. The maximum density and intensity of each increment shall not exceed the limits shown on the approved MPUD Master Planned Unit Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased construction site plan approval.
- In the event the Route Studies alter proposed road alignments or the School Board releases the School site, the developer shall submit a revised MPUD Plan to reflect such events, for approval by the Zoning Administrator.
58. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan/construction site plan approval, and/or record plat approval.
59. Development shall occur in accordance with the LDC, Section 402, Concurrency Management System.
60. Rezoning of this property with conditions does not relieve any developer of responsibilities under state law, including, but not limited to, DRI requirements under Chapter 380, Florida Statutes.
61. All conditions of this MPUD Master Planned Unit Development approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD Master Planned Unit Development approval shall be suspended until such time that the BCC modifies the MPUD Master Planned Unit Development conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD Master Planned Unit Development entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD Master Planned Unit Development mitigation

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committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD Master Planned Unit Development or the MPUD Master Planned Unit Development conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD Master Planned Unit Development approval under any circumstances.

OWNER/DEVELOPER ACKNOWLEDGMENT:

The owner/developer acknowledges that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the BCC results.**

\_\_\_\_\_  
(Date)

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owner/developer, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_,  
County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large)