

**RIVER LANDING  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6924**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted January 19, 2006, and June 11, 2010, unless otherwise stipulated or modified herein.

**Instructions**

2. The developer shall submit, within 45 days of the Board of County Commissioners (BCC) approval, or prior to the first preliminary plan/preliminary site plan submittal, whichever occurs first, 5 sets of the revised MPUD Master Planned Unit Development Plan to the Zoning and Site Development Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions. Without the submittal and approval of revised MPUD Master Planned Unit Development plans, preliminary plans/preliminary site plans will not be accepted for review.
  - a. Revise master plan under River Landing Land Use Schedule to provide the alternative use and alternative number of units in Village 3 if a school site is to be provided.

**Open Space/Buffering**

3. 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.
4. 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 SWFWMD or other regulatory agencies.
5. The developer has submitted an environmental/habitat study which has been reviewed on October 29, 2008, by County staff and the following conditions shall apply:
  - a. Prior to preliminary plan/preliminary site plan approval, the applicant/developer shall:
    - (1) Complete a Southeastern American kestrel breeding season survey in accordance with Florida Fish and Wildlife Conservation Commission (FFWCC) survey guidelines. Follow-up surveys shall be conducted prior to anticipation of construction. A copy of this survey shall be sent to the Zoning and Site Development Department and the FFWCC for further review.
    - (2) Complete a Florida Sandhill crane breeding season survey in accordance with the FFWCC survey guidelines. A copy of this survey shall be sent to the Zoning and Site Development Department and the FFWCC for further review. If breeding birds are found on-site, a follow-up survey shall be conducted prior to anticipation of construction if within the breeding season.

6. The developer shall complete a Gopher Tortoise Survey in accordance with the FFWCC survey guidelines. A copy of this survey shall be sent to the Zoning and Site Development Department for further review and approval by the County Biologist and to the FFWCC prior to preliminary plan/preliminary site plan approval.
7. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developer shall submit a copy of any required permit for gopher tortoises issued by the FFWCC to the Permits and Development Information Services Department.
8. Prior to construction plan/construction site plan approval, the developer shall submit to the Zoning and Site Development 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 Zoning and Site Development Department a copy of the Environmental Resource Permit.
9. The developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on January 27, 2006. 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."
10. 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 Community Development District (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. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.
11. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Neighborhood Parks Ordinance. Specific review and approval of the neighborhood parks will be conducted at each preliminary plan/preliminary site plan review.
12. The developer shall convey a drainage easement over the main New River channel and such other stormwater conveyance systems as may be installed on the subject property at the time of the first preliminary plan/preliminary site plan submittal to the County for any phase adjacent to New River for the purpose of maintaining natural drainage and the free flow of stormwater, and other surface waters. This easement shall also contain a right of ingress and egress to perform maintenance activities related thereto for Pasco County and/or agents of Pasco County and necessary equipment. It is expressly understood and agreed that the developer will reserve onto itself rights of ownership of the easement not to be inconsistent with the easement rights granted in the easement to the County. The terms and conditions of the easement, and the area burden by such easement, shall be subject to the reasonable approval by applicant/developer and the County.

## Ordinances

13. In addition to the MPUD Master Planned Unit Development conditions of approval, the developer shall comply with all applicable Pasco County ordinances, including all impact fee and concurrency ordinances.
14. 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, including any applicable transit oriented design ordinances and standards adopted by the County.

## Transportation/Circulation

### Access Management

15. The developer shall provide a secondary functional access and emergency access to each increment (village) 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.
16. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owner/developer shall furnish to the Zoning and Site Development 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) of a development increment (village) proposed to access a State roadway, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
17. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further site-specific intersection improvements. Intersection improvements shall be in accordance with the LDC and Access Management Standards as amended.
18. 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.
19. The access points shown on the master plan are not approved. The applicant/developer is required to submit a separate Master Roadway Plan for review and approval. All accesses shall meet access-management criteria.
20. Any gates located on private streets 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

21. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
22. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.

23. 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 (village) or where no plat is required prior to final site plan approval.
24. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 100 feet of right-of-way from the centerline of construction of Morris Bridge Road from the southern boundary to the northern right-of-way line for S.R. 56, and 83 feet of right-of-way from the northern right-of-way line for S.R. 56 to the northern boundary of the project (this requirement includes the "Not Included" area shown on the approved MPUD master plan) (Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

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 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 (MPO) Long-Range Plan, improvements of Morris Bridge Road 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, 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 Morris Bridge Road, 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.

25. The applicant/developer shall reserve right-of-way within the project boundaries:

A 142-foot-wide right-of-way for the potential east-west, public roadway south of S.R. 56 (known now to be Oldswood Avenue, but referred to as the "East-West Road" herein), through the River Landing MPUD development in an alignment as depicted by an approved PD & E or an approved route study, and shall be depicted, if applicable, on the Master Roadway Plan.

The County may conduct an independent route study to determine east-west roadway alignment to serve as parallel facilities south of S.R. 56. Upon completion of the route study, the County may delete, modify, or relocate the reserved right-of-way requirements under this condition at preliminary plan/preliminary site plan approval for the affected villages. Within 90 days of completion of the route study, the developer shall convey at no cost to the County, the right-of-way for the east-west roadway alignment in accordance with the results of the route study. This condition shall expire if the County has not completed the route study at the time of final record plat approval for the 601<sup>st</sup> unit. The required right-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 study, the developer shall reimburse the County one-third of the total route study costs, concurrent with approval of the first preliminary plan/preliminary site 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 roadway 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 MPO Long-Range Plan, improvements of the East-West Road within 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 the East-West Road, 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.

26. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer(s)/applicant(s) shall dedicate 250 feet of right-of-way required for the final cross section of S.R. 56 (which such width accommodates a future frontage road), at no cost to Pasco County from the western Project Boundary to Morris Bridge Road consistent with the FDOT approved PD & E study for SR 56 and in accordance with condition 71 (approximately 1.4 miles; this requirement includes the "Not Included" area shown on the approved MPUD master plan)(Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

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 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 (MPO) Long-Range Plan, improvements of the ultimate 6-lane S.R. 56 roadway 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, 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 S.R. 56, 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. This requirement includes the "Not Included" area shown on the approved MPUD master plan.

Notwithstanding the foregoing, in the event the County, FDOT or another entity contracting with FDOT or the County ("County/FDOT") complete 60% design of SR 56 prior to the developer completing the SR 56 design, the developer agrees to dedicate at no cost to the County, the necessary right-of-way and easements for the SR 56 drainage/retention, wetlands, flood plain mitigation facilities on the developers property, consistent with the 60% design plans and in accordance with condition number 71. In addition, the developer agrees not to object to the County/FDOT accessing the property for the purpose of completing the design of SR 56, or to the County/FDOT constructing SR 56 through the property. This requirement includes the "Not Included" area shown on the approved MPUD master plan.

#### Design/Construction Specifications

27. Prior to preliminary plan/preliminary site plan submittal, the developer shall supply evidence that it has coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcel(s) concerning the potential location for the New River Road extension, Oldswood Avenue, and SR 56. 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 these roads at property lines.
28. 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.
29. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
30. The developer has submitted a traffic study which was reviewed by County staff and approved on June 1, 2010. Except as otherwise provided herein, prior to approval of the first record plat for an increment (village) or phase, or where platting is not required, prior to the issuance of the first Building Permit for an increment (village) or phase, the developer shall construct the following site-access improvements that provide access to that increment (village) or phase, as follows:
- a. *S.R. 56 at Project Access A/B (westernmost project access along S.R.56)*

- (1) The project site access connection to S.R. 56 shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department and/or FDOT as applicable, including the determination of the need for a westbound-to-northbound right turn-lane. It is noted that the Traffic Impact Study included a review of the numerical turn-lane warrant for this turn lane; which is shown not to be met.
  - (2) The developer(s)/applicant(s) shall construct a 290 foot (including 50 foot taper) eastbound-to-northbound left turn-lane on S.R. 56 at the project site access connection.
  - (3) The developer(s)/applicant(s) shall construct a 265 foot (including 50 foot taper) eastbound-to-southbound right turn-lane on S.R. 56 at the project site access connection.
  - (4) The developer(s)/applicant(s) shall construct a 315 foot (including 50 foot taper) westbound-to-southbound left turn-lane on S.R. 56 at the project site access connection.
- b. *S.R. 56 at Project Access C (west of New River Boulevard)*
- (1) The project site access connection to S.R. 56 shall be constructed to provide for right-turn in, right-turn out movements only. The design of this connection shall be approved by the Pasco County Engineering Services Department and/or FDOT as applicable, and shall include physical channelization devices necessary to achieve the effective restriction of left-turn in and left-turn out movements.
  - (2) The developer(s)/applicant(s) shall construct a 265 foot (including 50 foot taper) westbound-to-northbound right turn-lane on S.R. 56 at the project site access connection.
- c. *S.R. 56 at Project Access D/E (between New River Boulevard and Morris Bridge Road)*
- (1) The project site access connection to S.R. 56 shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department and/or FDOT as applicable, including the determination of the need for eastbound-to-southbound and westbound-to-northbound right turn-lanes. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrants for the right turn-lanes; which are shown not to be met.
  - (2) The developer(s)/applicant(s) shall construct a 315 foot (including 50 foot taper) eastbound-to-northbound left turn-lane on S.R. 56 at the project site access connection.
  - (3) The developer(s)/applicant(s) shall construct a 290 (including 50 foot taper) westbound-to-southbound left turn-lane on S.R. 56 at the project site access connection.
- d. *New River Road at Project Access G/F (south of S.R. 56)*
- (1) The project site access connection to New River Road shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department, including the determination of the need for northbound-to-eastbound right turn-lane and northbound-to-westbound and southbound-to-eastbound left turn-lanes. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrants for these turn-lanes; which are shown not to be met.
  - (2) The developer(s)/applicant(s) shall construct a 265 foot (including 50 foot taper) southbound-to-westbound right turn-lane on New River Road at the project site access connection.

- e. *New River Road at Project Access H/I (second access south of S.R. 56)*
- (1) The project site access connection to New River Road shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department, including the determination of the need for westbound-to-northbound right turn-lane and eastbound-to-northbound left turn-lane. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrants for these turn-lanes; which are shown not to be met.
  - (2) The developer(s)/applicant(s) shall construct a 290 foot (including 50 foot taper) westbound-to-southbound left turn-lane on New River Road at the project site access connection.
  - (3) The developer(s)/applicant(s) shall construct a 265 foot (including 50 foot taper) eastbound-to-southbound right turn-lane on New River Road at the project site access connection.
- f. *New River Road at Project Access J (third access south of S.R. 56)*
- (1) The project site access connection to New River Road shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department.
  - (2) The developer(s)/applicant(s) shall construct a 315 foot (including 50 foot taper) eastbound-to-northbound left turn-lane on New River Road at the project site access connection.
  - (3) The developer(s)/applicant(s) shall construct a 265 foot (including 50 foot taper) westbound-to-northbound right turn-lane on New River Road at the project site access connection.
- g. *New River Road at Project Access K (fourth access south of S.R. 56)*
- (1) The project site access connection to New River Road shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department, including the determination of the need for eastbound-to-southbound right turn-lane and westbound-to-southbound left turn-lane. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrants for these turn-lanes; which are shown not to be met.
- h. *New River Road at Project Access L/M (access north of S.R. 56)*
- (1) The project site access connection to New River Road shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department, including the determination of the need for northbound-to-eastbound and southbound-to-westbound right turn-lanes and northbound-to-westbound and a southbound-to-eastbound left turn-lanes. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrants for these turn-lanes; which are shown not to be met.
- i. *Morris Bridge Road at Project Site Access Connection (Project Access N)*
- (1) The project site access connection to Morris Bridge Road shall be constructed to provide for right-turn in, right-turn out, left-turn in, and left-turn out movements. The design of this connection shall be approved by the Pasco County Engineering Services Department, including the determination of the need for a southbound-to-westbound right turn-lane. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrant for this turn-lane; which is shown not to be met.
  - (2) The developer(s)/applicant(s) shall construct a 455 foot (including 50 foot taper) northbound-to-westbound left turn-lane on Morris Bridge Road at the project site access connection.

j. *New River Road from northern Project Site Limit to Morris Bridge Road*

- (1) The developer(s)/applicant(s) shall design and construct, at no cost to Pasco County, New River Road from the northern Project Site Limit to S.R. 56 (approximately 1.2 miles) as a two-lane undivided roadway including pedestrian and bicycle facilities and all necessary drainage, retention, wetland, and flood plain mitigation facilities to accommodate the roadway. The design of this road shall be approved by the Pasco County Engineering Services Department.

k. *New River Road at Morris Bridge Road*

- (1) The design of this intersection shall be approved by the Pasco County Engineering Services Department, including the determination of the need for a southbound-to-westbound right turn-lane. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrant for this turn-lane; which is shown not to be met.
- (2) The developer(s)/applicant(s) shall construct a 580 foot (including 50 foot taper) northbound-to-westbound left turn-lane on Morris Bridge Road at the New River Road intersection.
- (3) New River Road shall operate under stop-sign control and Morris Bridge Road will remain as free-flow. All signing and marking of this intersection will be at the developer(s)/applicant(s) expense.

l. *New River Road at S.R. 56*

- (1) The design of this intersection shall be approved by the Pasco County Engineering Services Department and/or FDOT as applicable, including the determination of the need for a northbound-to-eastbound, southbound-to-westbound, and westbound-to-northbound right turn-lanes and southbound-to-eastbound left turn-lane. It is noted that the Traffic Impact Study included a review of numerical turn-lane warrants for these turn-lanes; which are shown not to be met.
- (2) The developer(s)/applicant(s) shall construct a 360 foot (including 50 foot taper) northbound-to-westbound left turn-lane on New River Road at the S.R.56 intersection.
- (3) The developer(s)/applicant(s) shall construct a 340 foot (including 50 foot taper) eastbound-to-northbound left turn-lane on S.R.56 at the New River Road intersection.
- (4) The developer(s)/applicant(s) shall construct a 290 foot (including 50 foot taper) eastbound-to-southbound right turn-lane on S.R.56 at the New River Road intersection.
- (5) The developer(s)/applicant(s) shall construct a 340 foot (including 50 foot taper) westbound-to-southbound left turn-lane on S.R.56 at the New River Road intersection.
- (6) The S.R. 56 at New River Road intersection shall operate as a signalized intersection (once signal warrants are shown to be met) with the eastbound-to-northbound and northbound-to-westbound left turn phases operating as "permissive plus protected". Signalization, signing and marking of this intersection will be at the developer(s)/applicant(s) expense.

m. *Morris Bridge Road at S.R. 56*

- (1) The design of this intersection shall be approved by the Pasco County Engineering Services Department and/or FDOT as applicable.
- (2) The developer(s)/applicant(s) shall construct a 580 foot (including 50 foot taper) northbound-to-westbound left turn-lane on Morris Bridge Road at the S.R.56 intersection.

- (3) The developer(s)/applicant(s) shall construct a 555 foot (including 50 foot taper) southbound-to-westbound right turn-lane on Morris Bridge Road at the S.R.56 intersection.
- (4) The developer(s)/applicant(s) shall construct a 515 foot (including 50 foot taper) eastbound-to-northbound left turn-lane on S.R.56 at the Morris Bridge Road intersection.
- (5) The Morris Bridge Road at S.R. 56 intersection shall operate as a signalized intersection (once signal warrants are shown to be met) with the northbound-to-westbound left turn phase operating as "permissive plus protected". Signalization, signing and marking of this intersection will be at the developer(s)/applicant(s) own expense.

n. S.R. 56 from west Project Site Boundary to Morris Bridge Road:

- (1) The developer(s)/applicant(s) shall design and permit, at no cost to the County, S.R. 56 from the west Project Boundary to Morris Bridge Road as a 4 lane divided roadway (expandable to 6 lanes), including bicycle/pedestrian facilities and all necessary drainage, retention, wetland, floodplain mitigation and other roadway related facilities to accommodate an ultimate 6 lane roadway (Roadway Appurtenances), and construct 2 lanes of such roadway (offset) and the Roadway Appurtenances, at no cost to Pasco County, and in accordance with the design approved by Pasco County and FDOT..
- (2) The applicant/developer may receive plat approval for up to 358 units on west side of the development (Villages 8 and 9), as depicted on the approved master plan and up to 600 units on the east side of the development (Villages 1-7), or a maximum total of 860 units, without completing construction of the entire segment of S.R. 56 that extends through the project (i.e. S.R. 56 from Meadow Pointe Boulevard to Morris Bridge Road). Additional deadlines and requirements for S.R. 56 shall be established in the Master Roadway Plan as referenced in condition 39; however, such deadlines and requirements shall not require the applicant/developer to complete construction of the entire segment of S.R. 56 through the project prior to the platting of 358 units on the west and 600 units on the east (or a maximum total of 860 units). In any event, each segment of S.R. 56 that provides access to the corresponding increment (village) or bubble shall be constructed with that increment or bubble.

31. Prior to or concurrent with the first record plat, or where platting is not required prior to the issuance of the first Building Permit, the developer shall complete the following off-site improvements:

a. *The applicant shall mitigate project impacts on S.R. 56 from Meadow Pointe Boulevard to west Project Boundary by:*

- (1) The developer(s)/applicant(s) shall construct S.R. 56 from Meadow Pointe Boulevard to west Project Boundary (approximately 1.70 miles) as a four-lane divided roadway.

The total proportionate share amount for the above-mentioned S.R.56 from Meadow Pointe Boulevard to west Project Boundary off-site improvement is \$7,286,407.00 (2010 dollars) for the improvements specified in the condition above. This proportionate share shall be paid prior to the issuance of the first build permit for any commercial and prior to record plat for residential. Such amount shall be adjusted at the time of payment by the most recent construction and right-of-way indices as adopted by the Transportation Impact Fee (TIF) Ordinance.

Payment of the proportionate share amount shall be eligible for transportation impact fee credits as determined by the County's Capital Improvements Plan and in accordance with Pasco County Impact Fee Ordinance, as amended.

b. *The applicant shall mitigate project impacts at the S.R. 54 at Eiland Boulevard Intersection by:*

- (1) Constructing a northbound-to-eastbound right turn-lane on Eiland Boulevard. The right turn-lane shall be constructed at a total length of 290 feet.

- (2) Constructing an additional (for a total of two) northbound-to-westbound left turn-lane on Eiland Boulevard. The left turn-lanes shall be constructed to a total length of 590 feet.
- (3) Constructing an additional (for a total of two) northbound receiving lane on Eiland Boulevard for a total length of 300 feet.
- (4) Constructing an additional (for a total of two) eastbound-to-northbound left turn-lane on S.R. 54. The dual left turn-lanes shall be constructed to a total length of 540 feet.
- (5) Constructing an eastbound-to-southbound right turn-lane on S.R. 54. The right turn-lane shall be constructed to a total length of 290 feet.
- (6) Constructing a westbound-to-northbound right turn-lane on S.R. 54. The right turn-lane shall be constructed to a total length of 290 feet.
- (7) Constructing an additional (for a total of two) westbound through and receiving lane on S.R. 54. The through lane shall be constructed for a total length of 1,320 feet.
- (8) Constructing an additional (for a total of two) westbound receiving lane on S.R. 54 for a total length of 300 feet.

c. *The applicant shall mitigate project impacts at the Chancey at Morris Bridge Road intersection by:*

- (1) Constructing a northbound-to-eastbound right turn-lane on Morris Bridge Road. The right turn-lane shall be constructed at a total length of 290 feet.
- (2) Constructing a southbound-to-eastbound left turn-lane on Morris Bridge Road. The left turn-lane shall be constructed to a total length of 390 feet.
- (3) Constructing a westbound-to-southbound left turn-lane on Chancey Road. The left turn-lane shall be constructed to a total length of 490 feet.

d. *The applicant shall mitigate project impacts at the Chancey at U.S. 301 Intersection by:*

- (1) Constructing a southbound-to-westbound right turn-lane on U.S. 301. The right turn-lane shall be constructed to a total length of 290 feet.
- (2) Constructing an eastbound-to-southbound right turn-lane on U.S. 301. The right turn-lane shall be constructed to a total length of 235 feet.

The total proportionate share amount for the above-mentioned off-site improvements at the S.R. 54 at Eiland Boulevard, Chancey Road at Morris Bridge Road, and Chancey Road at U.S. 301 intersections, is \$391,403.00 (2010 dollars) for the improvements specified in the conditions above. This proportionate share shall be paid prior to the issuance of the first building permit for any commercial and prior to record plat for residential. Such amount shall be adjusted at the time of payment by the most recent construction and right-of-way indices as adopted by the Transportation Impact Fee (TIF) Ordinance.

Payment of the proportionate share amount shall be eligible for transportation impact fee credits as determined by the County's Capital Improvements Plan and in accordance with Pasco County Impact Fee Ordinance, as amended.

32. Based on the land use assumptions proposed in the approved traffic study, the generally applicable transportation impact fees (TIF) for the project, based on 2009 dollars, is estimated to total \$16,553,224.00, as adjusted pursuant to the TIF Ordinance. Since the total Traffic Impact Study (TIS) calculated proportionate-share amount of \$7,677,810.00 is less than the estimated Option 3 transportation impact fee amount, the applicant/developer shall pay its regular impact fees in accordance with the most recent impact fee schedule at the time of impact fees are collected. However, if no building permit is issued within three (3) years of this rezoning approval, the County reserves the right to adjust the proportionate-share amount by the most recent construction and right-of-way indices as adopted by the TIF Ordinance and may require payment of the adjusted proportionate share amount if the same are greater than the project's projected total impact fees.

33. 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
34. Provided that the route study has been completed and approved by the County in accordance with condition of approval number 25 and shows that there is a need for the East-West Road and the approved location is through the subject property, then prior to the issuance of the 901<sup>st</sup> residential building permit for the project, the applicant/developer shall, except as otherwise provided in said condition number 25, design and permit for, at no cost to Pasco County, that portion of the East-West Road lying within the project boundary, and in accordance with the approved route study, as a 4-lane divided urban roadway, including but not limited to, pedestrian and bicycle facilities, frontage roads, multimodal paths, medians, buffers, etc. and all necessary drainage, retention, wetland, and flood plain mitigation facilities to accommodate the roadway. The design of this road shall be approved by the Pasco County Engineering Services Department.
35. Provided that the route study has been completed and approved by the County in accordance with condition of approval number 25 and shows that there is a need for the East-West Road and the approved location is through the subject property, then prior to the issuance of the 901<sup>st</sup> residential building permit for the project, the applicant/developer shall construct, at no cost to Pasco County, that portion of the East-West Road lying within the project boundary, and in accordance with the approved route study, as a two-laned road offset (initial 2 lanes of the 4-lane section) including, but not limited to, pedestrian and bicycle facilities, medians, and all necessary drainage, retention, wetland, and flood plain mitigation facilities to accommodate the roadway lying within the project boundary. The design of the initial 2 lanes shall be approved by the Pasco County Engineering Services Department. The requirements of the applicant/developer concerning the East-West Road as set forth in these conditions (if applicable), ~~may be~~ **are** in lieu of any responsibility of any requirement the applicant/developer may have as to construction of the frontage roads within or adjacent to the SR 56 corridor ~~if a variance from the LDC Section 618.12 is applied for and received in accordance with the LDC Section 316, or as otherwise in compliance with the LDC as amended.~~
36. Prior to or concurrent with the approval of the first construction plan/construction site plan for development increment or phase that will utilize such improvements, if applicable, the developer shall obtain Right-of-Way Use Permits for the construction of the improvements identified above.
37. 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, 2018, 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.
38. The traffic study submitted by the applicant assumes the following land uses: 1,257 single-family detached units, 400 multifamily/apartment units, and 342 low-rise condominium/townhouse units. 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.
39. Prior to the first preliminary plan/preliminary site plan submittal, the developer shall submit a Master Roadway Plan to the Zoning and Site 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 (including the areas labeled "Not Included" on the approved MPUD master plan), including the potential alignment for the East-West Road, if applicable, and including the specific dates or deadlines for performance guarantees and completion of design and construction of SR 56. 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 subject to the specific dates and limitations set forth herein.

40. The developer shall comply with the County and Pasco County Public Transportation (PCPT) 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 PCPT. 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 PCPT review and approval in accordance with the PCPT *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 its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
41. 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 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**

42. The developer shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the 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. As this property discharges to an area of known and frequent flooding, SWFWMD criteria may not provide adequate protection to the downstream property owners. The applicant/developer must ensure that the subject property does not cause stage or out of bank duration increases below the project: this shall include the 100 year 24 hour storm event.
43. Prior to or concurrent with construction plan/construction site plan and stormwater submittal for the first phase of the project, an overall basin drainage study shall be submitted to the county for review and approval. The flood storm events shall be analyzed for the 24hr-100yr. Using such storm event, the applicant/developer shall ensure that the project will cause no adverse affects to the drainage basin, such as staging or out of bank durations increases below the project. Upon the finalization and approval of the new floodplain study, the applicant/developer shall provide any mitigation required by SWFWMD regulations or applicable Florida law.
44. 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.
45. 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.
46. 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 ground water 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 and, in any such event, such transfer shall only be for so long as such production failure or shortfall exists.
  - 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.

### **Tampa Bay Water**

#### **Water Quality and Drainage**

47. 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.
48. The project's stormwater management system shall be designed, constructed, and maintained to meet or exceed Florida Administrative Code, Chapters 17-25 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's 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.

- f. The applicant/developer should advise future residents of seasonal variations within created water features and should not be perceived as lakes with constant water levels.
- 49. Pre-development hydrologic/hydraulic properties of the on-site wetland systems should remain unaltered to maintain the quantity and timing of runoff discharges to off-site wetlands and creeks. Modeling, and/or water level monitoring, and/or wetlands assessment program should be used to demonstrate that off-site wetland functionality is maintained.
- 50. The stormwater system shall be designed to ensure that the volume and timing of stormwater discharges to the Hillsborough River in Hillsborough County are not decreased from predevelopment conditions. The applicant shall provide hydraulic modeling results from the mean annual (2.33-year return period) and one-year return storm events to demonstrate that predevelopment stormwater flows are maintained within five to ten percent of post-development flows, depending on the acreage of the site.
- 51. 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.
- 52. No wetland outlet or conveyance, either natural or man-made, should be lowered in elevation, which could cause lower water levels and reduced hydro periods. No changes to wetland outlets or conveyances should occur unless it is to restore artificially connected or drained wetlands to a more natural state, so that historic wetland water levels and flow quantities are restored.
- 53. Retention facilities and any other construction-related activity shall not breach the clay confining layer, and in no event shall contact with the limestone aquifer be allowed. A soil boring program shall be implemented to determine the depths and thickness of the clay confining unit and depth to limestone. If no clay confining unit is present, a minimum of five feet of soil shall be maintained above the limestone. If the site is within one mile of a public drinking water supply, a minimum of ten feet of soil shall be maintained above the limestone.
- 54. The historic, average, rainfall volume discharged from the site should be maintained postdevelopment. The applicant/developer shall propose stormwater design solutions which achieve this goal, such as use of swale systems and reducing treatment volume requirements, in cooperation with TBW and to the extent the permitting agencies (Pasco County and SWFWMD) can allow.

#### Surface Water Monitoring

- 55. Prior to preliminary plan/preliminary site plan approval, a surface-water monitoring program for the project shall be developed in accordance in coordination with the Florida Department of Environmental Protection (FDEP), SWFWMD, and TBW to establish parameters, methodology, sampling frequency, establishment of baseline data, reporting requirements, program duration, and locations of surface water monitoring sites (SWMP). Such program shall be submitted to the FDEP, SWFWMD, TBW, and the Zoning and Site Development Department (a minimum of four [4] copies) for review and approval by the Zoning and Site Development Department, or agent's of the County prior to any construction activities within the Project.
- 56. The SWMP shall be implemented prior to the issuance of the site development permit. Documentation verifying such implementation shall include:
  - a. An aerial map and photographs showing the locations of the surface-water sampling locations for the approved SWMP.
  - b. Laboratory results from the initial background sampling event of the surface-water locations.

Such documentation shall be forwarded to the Zoning and Site Development Department prior to issuance of the site development permit to provide background data, and shall continue for the duration of the baseline monitoring program. If reclaimed water for irrigation purposes is used in the future, the SWMP will be amended as required by the permit for use of reclaimed water.
- 57. The SWMP shall include sampling of on-site stormwater-discharge points exiting the site and upstream and downstream-sampling points within surface-water systems.
- 58. The monitoring results of the SWMP shall be submitted to the FDEP, SWFWMD, TBW, and the County at least annually, or as may be required in the SWMP.





- g. 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.
  - h. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
  - i. The total aggregate number of dwelling units for River Landing MPUD Master Planned Unit Development shall not exceed 1,999 units.
  - j. The maximum density 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.
  - k. 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.
64. 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 which necessitates a revised traffic study, then the request shall be presumed to be substantial.
65. Residential use may not be intensified within any one increment/village following approval of the plat or final site plan for the first unit in that increment/village without review and approval by the BCC.
66. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
67. 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 River Landing MPUD Master Planned Unit Development 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**

68. The developer shall reserve, for a period of seven (7) years after the original adoption of the River Landing MPUD, for the Pasco County School Board the real property depicted on the approved MPUD master plan as a school site to accommodate a middle and/or high school. The School Site shall be a minimum of 67 acres of contiguous, developable uplands, exclusive of wetlands, required buffers around wetland areas, and jurisdictional buffers. The School Site shall be conveyed to the School Board within 90 days of the School Board's written request upon payment of the purchase price/consideration as hereinafter set forth in this condition.

If applicant/developer, in its sole discretion, agrees that some portion of the consideration for the conveyance of the aforementioned school site (the "School Site") will be in cash, then such portion of the purchase price of the School Site shall be paid to applicant/developer as determined in the following manner. Applicant/developer and the School Board will attempt to agree upon the fair value of the School Site within thirty (30) days after delivery of notification from the School Board to applicant/developer that the School Board has elected to purchase/acquire the School Site. If applicant/developer and the School Board are unable to agree upon the fair value for the School Site during such period, then each party will each appoint an appraiser meeting the criteria set forth below within seven (7) days after the expiration of such 30 day period. Each appraiser must have at least five years of full-time commercial appraisal experience with projects comparable to the School Site. No appraiser may have any material financial or business interest in common with either of the parties. The two appraisers thus appointed will, within seven (7) days of their mutual appointment, together appoint a third appraiser meeting the foregoing criteria (the cost of which shall be split by applicant/developer and the School Board). Within forty-five (45) days after the last appraiser is appointed, each of the appraisers will review any such submittals, and any other information the appraiser deems necessary, and each will submit their respective determination of the fair value of the School Site

to both applicant/developer and the School Board in a sealed envelope. The fair value of the School Board Site will then be established as follows:

- a. If the determinations of at least two of the appraisers are identical, the identical determination is the fair value of the School Site.
  - b. If neither the highest nor the lowest determination of the appraisers differs from the median determination by more than 5% of such median determination, then the average of the three determinations is the fair value of the School Site.
  - c. If neither subsection (a) or (b) applies, then the fair value of the School Site is the average of the median determination and the determination closest in amount to the median determination.
69. The applicant/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 thirty (30) days of the 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.
- a. 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 Applicant/developer shall be required to adjust or provide additional conveyances as requested by and at no cost to the School Board.
  - b. The applicant/developer may elect to receive school impact fees for all or a portion of consideration for the sale of the School Site from applicant/developer to the School Board. In such an event, the applicant/developer shall be eligible to receive school impact fees credit for the applicable portion of the conveyance in the amount of 115 percent of the County Property Appraiser's value at the time of conveyance. School impact fee credits shall not begin to accrue until such conveyance is complete. If stormwater is accommodated off site, the credit shall be based on the actual acreage of the school site and any additional acreage used to accommodate stormwater off site for the school site.
  - c. If the School Board elects not to require the School site conveyance hereunder in accordance with these conditions within seven (7) years after the original adoption of the River Landing MPUD, the School site area designated on the MPUD master plan may be utilized for single-family development hereunder, at the election of the developer; provided, however, that no more than 1,999 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

70. 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.
71. 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.
72. 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.
73. 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.

74. A preliminary plan/preliminary site plan must be approved for an entire increment (village) prior to any phased construction plan/construction site plan approval. The maximum density and intensity of each increment (village) 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.
75. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment (village) 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.
76. Development shall occur in accordance with the Pasco County LDC, Section 402, Concurrency Management System.
77. Rezoning of this property with conditions does not relieve any developer of responsibilities under the State law including, but not limited to, Development of Regional Impact requirements under Chapter 389, Florida Statutes.
78. 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 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'S/DEVELOPER'S ACKNOWLEDGMENT:

The owner/developer acknowledges that it has 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)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT

\_\_\_\_\_  
TITLE

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owner/developer, to me known to be the person/s described in and who executed the foregoing document and severally acknowledged the execution thereof to be his/her 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