

**WATERGRASS
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6994
ORIGINAL REZONING PETITION NO. 6186**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted May 3, 2011, 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 next preliminary plan/preliminary site plan submittal, whichever occurs first, four 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 the master plan to show the correct lot width and lot area in Parcel C for the 40-square-foot product.

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 the 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. For those parcels that do not have construction plan approval and unless an the applicant has an unexpired Environmental Resource Permit from the Southwest Florida Water Management District (SWFWMD) issued prior to January 26, 2007, then the applicant/developer shall be required to provide 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 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.
5. 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' line. 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.
6. Development shall be buffered abutting Curley Road with a 50-foot landscape buffer with a four-foot-high berm except along the Parcel I/Town Center.

7. Development shall be buffered abutting Handcart Road with a 62-foot landscape buffer with a four-foot-high berm.
8. The developer has submitted an environmental/habitat study which has been reviewed and the following condition shall apply:

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. 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 Incidental Take Permit issued by the Florida Fish and Wildlife Conservation Commission to the Zoning and Site Development Department.
10. The developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on December 19, 2003. Based on the recommendations of the report, Site No. 8PA2008 (Comas No. 4) is considered potentially eligible for listing with the National Register of Historic Places. Preservation of the site is recommended; therefore, prior to preliminary plan approval, the developer shall submit a Phase II Archeological Resource Assessment to the Planning and Growth Management Department for a final determination of National Register of Historic Places eligibility. (A Phase II Archeological Assessment was submitted December 13, 2007; no action is required per the study).

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."

11. 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. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.

Ordinances

12. 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.
13. 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.

Town Center

(The overall master plan for the Promenade Town Center was approved by the BCC on July 14, 2009. See Promenade Town Center Master Plan approved conditions of approval for conditions regarding the town center).

13. In order to ensure that adequate land is available for the development of the town center within the WaterGrass MPUD Master Planned Unit Development, the developer shall set aside a minimum of 80 net developable acres for the town center within Parcel I. Any plans submitted for Parcel I of the town center shall depict those land uses, acreages, and square footages approved by the Town Center Master Plan, and such acreage may not be utilized for any other land use. The town center is acknowledged to be a matter of great public importance to the economic well-being of Pasco County and necessary to preserve, within the Curley Road area, adequate land to ensure that as opportunities for commercial and office development arise, land will be available to meet that demand so as to provide employment and shopping opportunities for the residents of the WaterGrass MPUD Master Planned Unit Development and the surrounding area. Any proposed modification or adjustment to the town center that would seek to either reduce the total office/commercial square footage approved for the town center or utilize the town center acreage for other land uses shall not be initiated or applied for by the developer or any other landowner (87.768 total acres).

Transportation/Circulation

Access Management

14. 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 Zoning and Site Development Department and the Emergency Services Department.
15. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further intersection improvements along the internal road intersections and Curley Road, Overpass Road, Handcart Road, the internal loop road, and the north/south road (WaterGrass Parkway).
16. No residential driveway access shall be allowed to Curley Road, Overpass Road, the internal loop road, Handcart Road, and the north/south road.
17. 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/Florida Department of Transportation (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 Certificates of Occupancy (CO) for a building utilizing such roadways.
18. No access points are approved as shown on the master plan. Access points will be reviewed and approved separately with the Master Roadway Plan. Access to any commercial out-parcels shall be provided from internal drives or parking areas.
19. 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

20. Public roadways will be utilized for all collector/arterial roads and any road(s) that provide interconnection between abutting properties; however, private roadways for

individual communities may be utilized as approved per the MPUD Master Planned Unit Development.

21. In the case of private streets, dedication and maintenance shall be to an appropriate entity (other than Pasco County).
22. 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.
23. Within 90 days of the County's request, or prior to the next record plat within the MPUD Master Planned Unit Development, whichever occurs first, the applicant/developer shall dedicate, at no cost to the County, an additional 100 feet of right-of-way for Curley Road to total 166 feet and a total of 166 feet of right-of-way for Overpass Road in accordance with the approved route studies for Curley Road and Overpass Road, with the exception of that portion of Overpass Road and Curley Road that go through the town center. For that portion of Curley Road that goes through the town center, an additional 62 feet of right-of-way to total 128 feet shall be conveyed. For that portion of Overpass Road that goes through the town center, a total of 128 feet shall be conveyed. The required amount of right-of-way for Overpass Road and Curley Road that go through the town center is required to be dedicated, at no cost to the County, within 90 days of the County's request or concurrent with the first record plat within Parcel I/Town Center. If after submission and approval of the Town Center Master Plan, additional right-of-way or less right-of-way is needed for such roadways, the applicant/developer shall dedicate such additional right-of-way within 30 days of approval of the Town Center Master Plan at no cost to the County and/or request vacation of any right-of-way not needed. The developer shall provide appropriate and sufficient drainage facilities on the developer's property at no cost to the County, or at another site acceptable to the County, to mitigate floodplain volume, wetland impacts, environmental impacts, stormwater runoff quality treatment, attenuation, and discharge associated with the initial and future improvements of Overpass Road and Curley Road.
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 Handcart Road (Table 7-4, Pasco County Corridor Preservation Table, 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 Handcart 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 Handcart 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.

The final location of the right-of-way shall be reviewed and approved by the Engineering Services Department. All conveyances shall occur concurrent with the first record plat or within 90 days of the County's request whichever occurs first.

25. The developer shall convey, at no cost to Pasco County, 142 feet of right-of-way for the north-south collector roadway known as WaterGrass Parkway located within the WaterGrass Development. The portion north of Overpass Road has already been conveyed to the County pursuant to Plat Book 66, Page 103; the southern portion is not yet conveyed.

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 MPO Long-Range Plan, improvements of the north-south collector 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 the north-south collector roadway, 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.

The final location of the right-of-way shall be reviewed and approved by the Engineering Services Department. All conveyances shall occur concurrent with the first record plat or within 90 days of the County's request whichever occurs first.

26. The developer shall convey at no cost to Pasco County 142 feet of right-of-way for the internal loop road only if Overpass Road is not constructed or committed to be constructed from Curley Road to Handcart Road prior to record plat approval of 1,400 units. If Overpass Road is constructed or committed to be constructed from Curley Road to Handcart Road, the required right-of-way shall be 80 feet. The developer shall provide appropriate and sufficient drainage facilities at no cost to Pasco County on the developer's property, or at another site acceptable to the County, to mitigate flood-plain volume, wetland impacts, environmental impacts, stormwater runoff quality treatment, attenuation, and discharge associated with the initial and future improvements of the internal loop road.

The final location of the right-of-way shall be reviewed and approved by the Engineering Services Department. All conveyances shall occur concurrent with the first record plat or within 90 days of the County's request whichever occurs first.

Design/Construction Specifications

27. 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.
28. 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 parcels to the north and to the south 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.
29. The applicant agrees to discontinue and remove, at the applicant's sole expense, any interim uses in the Handcart Road, Overpass Road, north-south roadway (WaterGrass Parkway), and Curley Road Transportation Corridors no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvement Element or the FDOT in the FDOT's Five-Year Transportation Improvement Program (the "Termination Date"). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County, Florida, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or the FDOT, as applicable, for a time period not to exceed one year for each extension.

30. The developer shall design the north-south collector road as a four-lane collector road, including all drainage, which shall be accommodated in a drainage plan. The developer shall construct the first two lanes of the road offset, including bicycle and pedestrian facilities in increments, as required to serve parcels being developed within the project.
31. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
32. The developer has submitted a traffic study which was reviewed by the staff of the MPO. Prior to approval of the record plat for the 1,400th dwelling unit or as necessary to serve the adjacent parcels including the school site, whichever occurs first, the developer shall construct the following site-related improvements:
 - a. Construct Overpass Road as a two-lane, arterial road from the eastern boundary of the town center to the internal loop road.
 - b. Construct the internal loop road as a two-lane collector road from Overpass Road to Handcart Road as depicted on the MPUD Master Plan.
 - c. Handcart Road and the internal loop road:
 - (1) An exclusive, northbound, left-turn lane on Handcart Road with a minimum 275-foot-storage length and taper and deceleration length per the FDOT Index 301.
 - (2) An exclusive, southbound, right-turn lane on Handcart Road with a minimum 25-foot-storage length and taper and deceleration length per the FDOT, Index 301.
 - (3) Exclusive, eastbound, left and right, approach lanes on the internal loop road.
 - (4) Signalize when warranted.
33. Prior to the next construction plan/construction site plan approval, the following off-site/equal mitigation improvements shall be completed or committed in the Pasco County or the FDOT CIP, or the developer shall enter into an agreement with the County requiring the developer to adequately mitigate the project's transportation impacts.

Off-site/equal mitigation improvements include:

- a. S.R. 581 and S.R. 54
 Construct an additional northbound, right-turn lane on S.R. 581 for a total of two lanes.
- b. S.R. 52 and Prospect Road
 - (1) Construct an exclusive, eastbound, right-turn lane on S.R. 52 with sufficient length.
 - (2) Construct an exclusive, northbound, left-turn lane on Prospect Road with sufficient length.
34. In lieu of the above-mentioned off-site/equal mitigation improvements, the developer shall contribute the following to Pasco County within 60 days of the date of approval of the rezoning amendment:
 - a. \$216,000.00 for the improvements on S.R. 581 at S.R. 54.
 - b. \$351,893.00 for the improvements on S.R. 52 at Prospect Road.
 - c. \$488,483.00 for the improvements on Prospect Road at S.R. 52.

All above amounts are based upon 2006 dollars. If the required payment is not received within the 60-day time frame, then payment shall be received prior to the next construction plan/construction site plan approval. The required off-site/equal mitigation

contribution shall be indexed by the latest adopted Impact Fee Ordinance should payment not be received within the 60-day time frame. (Paid \$1,056,376.00 on December 15, 2006, Receipt No. 1122299.)

On November 7, 2007, the applicant/owner/developer applied for transportation impact fee credits in accordance with the Transportation Impact Fee Ordinance. The County approved transportation impact fee credits in the amount of \$1,056,376.00 (the amount paid by the developer for the off-site improvements as provided in the conditions of approval).

35. Prior to any final plat approval for residential, or where platting is not required, prior to the issuance of any Building Permit occurring after December 31, 2015*, the developer may be required to submit an updated transportation analysis**, in accordance with applicable law, as the basis for any MPUD Master Planned Unit Development amendment which may include re-evaluation of required transportation mitigation. The County Administrator or the BCC may waive any applicable transportation analysis requirement for any entitlements within the project that satisfy the limited exemption criteria of Section 402.7 of the County's Concurrency Management Ordinance. For the Parcel I/Town Center build-out date, refer to the Promenade Town Center Master Plan and conditions of approval for such.

*Transportation concurrency has been extended to December 31, 2018. This extension is a result of the One-Year Extension granted by the BCC on November 25, 2008, and the Two-Year Extension granted by the BCC on June 23, 2009, pursuant to Resolution No. 09-269.

**Since the applicant/developer has an unexpired Initial Concurrency Certificate extending its transportation concurrency as specified above, a revised/updated transportation analysis would not be required until after the expiration date of December 31, 2018.

36. The traffic study submitted by the applicant assumes the following land uses: 1,577 single-family residential, 185 townhouses, 237 villas, 140,000-square-foot shopping center, 73,000-square-foot general office building, and a 900-student elementary school. Any development of land uses that generate 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 designee, may impose additional conditions on the applicant or development based on the updated County approved traffic study.
37. Prior to approval of the first record plat beyond the 1,500th dwelling unit, or anytime at the County's request, the developer shall pay for and perform a signal warrant study for the intersection of Handcart Road and the internal loop road. At that time, the developer shall pay for the proportionate-share cost of signalization.
38. Prior to approval of the first record plat beyond the 1,500th dwelling unit, or anytime at the County's request, the developer shall pay for and perform a signal warrant study for the intersection of Overpass Road and the north-south road. At that time, the developer shall pay for the proportionate-share cost of signalization.
39. Prior to the next preliminary plan/preliminary site plan submittal, the developer shall submit a Master Roadway Plan to the Planning and Growth Management 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, and alignment for the following roads and intersections: Overpass Road, the north-south collector road, the intersections of Overpass Road and C.R. 577, and the intersection of Handcart Road and the internal loop road. Approval of this plan must be obtained from the DRC prior to the next 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. (The Town Center Master Roadway Plan is contained within the approved master plan for the Promenade Town Center as approved on July 14, 2009, by the BCC, and the Master Roadway Plan for Watergrass was approved by the DRC on May 26, 2005, and was last amended on August 9, 2007.)

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 Planning and Growth Management Department for review and the DRC's approval prior to or concurrent with the preliminary plan/preliminary site plan submittal for the town center. 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 Planning and Growth Management Department for the DRC approval prior to approval of the next 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 Section 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 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 Zoning and Site Development Department.
43. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.
44. A Master Utility 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 Master Utility 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, 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 Pasco County for the duration of any shortfall or production failure.
 - 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.

Land Use

47. The residential design standards are as follows:
- a. Single-Family Detached
 - (1) Minimum Lot Width of 60 Feet
 - (2) Minimum Lot Depth of 110 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet
 - (4) Minimum Side-Yard Setback of 7.5 Feet
 - (5) Minimum Rear-Yard Setback of 15 Feet
 - (6) Maximum Lot Coverage of 65 Percent
 - b. Single-Family Detached
 - (1) Minimum Lot Width of 75 Feet
 - (2) Minimum Lot Depth of 120 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet
 - (4) Minimum Side-Yard Setback of 7.5 Feet
 - (5) Minimum Rear-Yard Setback of 15 Feet
 - (6) Maximum Lot Coverage of 65 Percent
 - c. Single-Family Detached*
 - (1) Minimum Lot Width of 50 Feet
 - (2) Minimum Lot Depth of 110 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet
 - (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

*These minimum design standards are required for the eastern most portion of Parcels G and H abutting Handcart Road.

d. Single-Family Detached

- (1) Minimum Lot Width of 40 Feet (600 units)
- (2) Minimum Lot Depth of 110 Feet
- (3) Minimum Front-Yard Setback of 20 Feet
- (4) Minimum Side-Yard Setback of 7.5 Feet**
- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 65 Percent

**Side-yard setbacks may be reduced to five feet based upon the following conditions being met with construction plan approval for each phase or unit. Should the conditions not be met, the minimum side setback shall be 7.5 feet.

- Prior to any construction on the lot, proper erosion and sedimentation controls shall be installed.
- Lots that back up to drainage-retention areas and wetland areas shall be "Type B," graded with high points at the midpoint of the side lot line and slopes toward both the front and rear yards. Discharge into wetlands shall only be allowed where the wetlands are designed and permitted to receive discharge. A minimum 15-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
- Lots graded as "Type A" which back up to other lots shall require the installation of gutters on the sides and backs directing drainage to the front.
- Lots graded as "Type B" or "Type C" which back up to other lots shall require that traffic-bearing grates be installed upon an FDOT inlet placed within each rear-lot line easement. Culverts connecting rear-yard inlets to acceptable outfalls shall be installed and shall be reinforced concrete pipe with premium sealed joints, designed to sustain an H-20 loading. A minimum 15-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
- Side-yard swales shall be sloped to create positive outfall to the front and/or rear of each lot with velocities no greater than allowable for grassed stabilization, as in the FDOT Drainage Manual.
- A minimum 15-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
- A maintenance entity, other than and acceptable to the County, shall be designated to provide perpetual maintenance to all drainage and access easements. The approved maintenance entity shall provide annual

inspections of side- and rear-yard easements and drainage facilities to verify that no modifications have been made to the grading and ground cover and to inspect any inlets and pipes to verify that no hydraulic restrictions exist. Any modification or hydraulic restriction observed, at any time, shall be corrected. Additional inspections shall be performed, if requested by an adjoining resident or the County. The maintenance entity shall have the right to file a lien to charge property owners for corrections or modifications and collect sufficient funds to perform required maintenance.

- No obstruction/service equipment shall be permitted in the side yard between houses. This includes, but is not limited to, air conditioning systems, water softeners, pumps, fences, etc.
- Walkways shall be allowed if they do not create any obstruction and are flush with grade.
- Gutters and roof structures shall be installed so as to reduce direct discharge to the side-yard swales.
- The engineer of record shall provide to Pasco County signed and sealed, design calculations for each typical lot demonstrating compliance with Pasco County's drainage criteria. The typical site-grading plan shall identify elevations, grades, ground cover, allowable tolerances, and a quality-control plan addressing construction and postconstruction phases. In addition, the engineer of record shall inspect the lot upon completion and complete the "as-built" certification prior to the issuance of the CO for the associated unit.

e. Single-Family Attached (Villa)

- (1) Minimum Lot Width of 35 Feet
- (2) Minimum Lot Depth of 110 Feet
- (3) Minimum Front-Yard Setback of 20 Feet
- (4) Minimum Side-Yard Setback of 0-7.5 Feet (Minimum 15 Feet Between Buildings)
- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 100 Percent

f. Single-Family Attached (Townhouse)

- (1) Minimum Lot Width of 20 Feet (End Unit)
- (2) Minimum Lot Width of 16 Feet (Internal Unit)
- (3) Minimum Lot Depth of 66 Feet
- (4) Minimum Front-Yard Setback of 10 Feet from Back of Sidewalk or Curb for Residences
- (5) Minimum Front-Yard Setback of 20 Feet from Back of Sidewalk or Curb for Garages
- (6) Minimum Side-Yard Setback of 20 Feet Between Buildings
- (7) Minimum Rear-Yard Setback of 3 Feet from Edge of Patio
- (8) Maximum Lot Coverage of 100 Percent

- g. For the 40-foot-wide lots for, the additional 200 units, units 401 to 600 utilizing a minimum side-yard setback of 5 feet, the developer shall put in place and enforce development guidelines with controls to include staggering portions of the

facades of individual units in order to provide variety and avoid regimented and monotonous streetscapes.

- h. Multifamily Units (Parcel I Only) - Multifamily development will comply with the standards for multifamily development set forth in the LDC, Article 800, TND (Traditional Neighborhood Design). See the Promenade Town Center Master Plan approval of July 14, 2009.
 - i. Recreation-center development standards, excluding neighborhood parks, shall be in accordance with the C-1 Neighborhood Commercial District.
 - j. The total aggregate number of dwelling units for WaterGrass MPUD Master Planned Unit Development shall not exceed 1,999.
 - k. The maximum floor area for the commercial portion shall not exceed 140,000 square feet of gross floor area, including out-parcels. Standards and uses are as provided for in the Promenade Town Center Master Plan and conditions of approval approved by the BCC on July 14, 2009.
 - l. The maximum floor area for the professional office portion shall not exceed 73,000 square feet of gross floor area, including out-parcels. Standards and uses are as proposed on the Promenade Town Center Master Plan and conditions of approval approved by the BCC on July 14, 2009.
 - m. 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, including without limitation, the LDC, Section 402, relating to concurrency management.
 - n. 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.
48. 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.
49. 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.
50. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
51. The developer has conveyed to the County an acceptable site for a fire station (2007) and shall convey at no cost to Pasco County real property for use as a public library. The real property shall be up to 0.7 acre of developable uplands located in the town center in a location mutually acceptable to the County and the developer, and, as agreed upon, that library patrons and staff shall be able to utilize the general public parking that is available within the town center. The developer may be eligible for credit against the land portion of applicable impact fee ordinances for such dedication at a value of \$17,500.00 per acre. The developer shall provide to the County all necessary documents for the conveyance and shall transfer the library site to the County within 180 days of the County's request. In August 2009, the developer received impact fee credits for conveyance of the fire station property as follows: Fire Combat - \$12,738.25; Fire Rescue - \$9,224.25.
52. The developer shall convey at no cost to the School Board real property for use as a school site. The said real property shall be a minimum of 15 acres of developable uplands, as generally depicted on the master plan within Parcel EE, as specifically approved by the School Board and adjacent to any required parks and/or library sites. Access shall be provided to the school site via an internal street or roadway within Parcel EE, which shall be shown on the preliminary plan. The developer shall receive school impact fee credits in the amount of \$17,500.00 per upland acre not to exceed 15 acres. All conveyances required pursuant to this approval shall occur within 90 days

of this approval and shall be in a form acceptable to the School Board, as appropriate, and shall be free and clear of all liens, be excluded from the boundaries of all special districts, and exempt from all covenants and deed restrictions (22.43 acres were conveyed in 2005).

53. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of two acres to be used for recreational vehicle storage for the exclusive use of WaterGrass 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 the CDD.

Procedures

54. 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. The disclosure shall include the future roadway number of lanes and construction timing if available.
55. Unless required elsewhere within the conditions of approval, all conveyances required pursuant to this MPUD Master Planned Unit Development approval shall occur within 90 days of the County's request, shall be in a form acceptable to the Real Estate Division, and shall be free and clear of all liens and encumbrances, including exclusion from the boundaries of any special districts and exemption from all covenants and deed restrictions.
56. With the exception of Parcel I (Town Center), 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.
57. 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 Pasco County Emergency Services Director has received such a petition.
58. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master 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 site plan approval.
59. 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 approval, and/or record plat approval.
60. Development shall occur in accordance with the LDC, Section 402, Concurrency Management System.
61. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County.

62. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department.
63. 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 Board of County Commissioners results.**

_____ (Date) _____ CKB DEVELOPMENT, LLC

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 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