

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

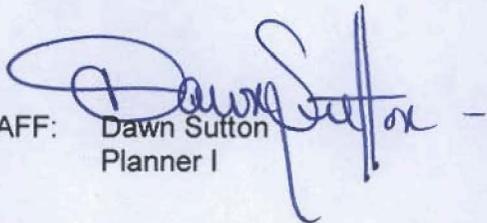
TO: Carol B. Clarke, AICP
Zoning Administrator/Assistant
Planning and Development
Administrator

DATE: 10/8/13 FILE: PDD13-1543

FROM: Amanda C. Boone, P.E.
Development Review Manager

SUBJECT: Legacy MPUD Master
Planned Unit Development -
Non-Substantial Modification
Recommendation: Approval
with Conditions

STAFF: Dawn Sutton
Planner I



REFERENCES: Land Development Code,
Section 402.2.N,
Modifications
Comm. Dist. 4

PROJECT DESCRIPTION:

Commission District:	The Honorable Henry Wilson
Project Name:	Legacy
Developer's Name:	Behnke Land Trust Number One
Location:	The north side of S.R. 54, approximately three-quarters mile east of Gunn Highway (C.R. 587), Sections 23, 24, 25 and 36, Township 26 South, Range 17 East. (Attachment No. 1)
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classification:	PD (Planned Development)
Acreage:	534.32 Acres, m.o.l.
Water/Sewage:	Central (Pasco)/Central (Pasco)
No. of Dwelling Units:	1,183 (based on maximum land-use trade off)
Type of Dwelling Unit:	Single-Family Detached, Single-Family Attached/Townhouses, Multiple Family
Commercial Square Feet:	200,000
Office Square Feet:	180,000
Light Industrial/Office Square Feet:	350,000

APPLICANT'S REQUEST:

The applicant, Behnke Land Trust Number One, has filed a request to modify Petition No. 6668 in the name of Legacy MPUD Master Planned Unit Development in order to propose minor clarifying changes to the Conditions of Approval and revise the master plan as follows:

- Updated date of final changes;
- Added a parenthetical at the end of note on Driveway 1;
- Added arrows to show access from Tower Road to Parcels 3 and 4; and
- Added the total residential units at bottom of Land Use Data Table and corresponding land-use note and added a new sentence to clarify that single family in mixed use parcels is permitted. (Attachment No. 2).

BACKGROUND AND DISCUSSION:

On December 18, 2007, the Board of County Commissioners (BCC) approved the Legacy MPUD Master Planned Unit Development, Petition No. 6668.

On December 15, 2009, the BCC approved a Development Agreement (DA) as part of the resolution to the owner's request for relief un the Florida Land Use and Environmental Dispute Resolution Act, section 70.51, Florida Statues. (OR Book 8251, pages 528-579)

On December 15, 2009, the BCC approved a Large-Scale Comprehensive Plan Amendment changing the future land-use of the project from RES-3 (Residential-3 du/ga) to PD (Planned Development) (CPAL09-1(22) Subarea Policy FLU 7.1.18)

STAFF'S ANALYSIS:

Staff has reviewed the applicant's request and finds that the requested changes do provide for clarity as:

- Scrivener errors were found and corrected;
- Timeframes for dedications were clarified;
- County department names changed to reflect new departments;
- Land Development Code (LDC) Sections updated to reflect the restated/renumbered sections; and
- Definitions for Initial Critical Linkage Conservation Easement and Linkage Uplands provided.

All of the above are considered by staff as non-substantial in nature. Changes to the Design/Construction Specifications section of the conditions, reflect the applicants ability to construct off-site improvements as needed to serve adjacent development and included the applicants ability to pay pro-rata share of cost or receive impact/mobility fee credits in compliance with the LDC

ANALYSIS:

MPUD Master Planned Unit Development amendments must be reviewed in accordance with Section 402.2.N, Modifications, of the Pasco County LDC to determine if the proposed changes are substantial. Under the provisions in the LDC for Modifications to MPUDs, it has been determined that the proposed request does not constitute a substantial change.

RECOMMENDATION:

The Planning and Development Department recommends approval of the applicant's request to modify the MPUD subject to the attached rezoning conditions of approval (Attachment No. 3).

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Conditions of Approval Rezoning for RZ 6668

PLANNING AND DEVELOPMENT DEPARTMENT ACTION:

Zoning Dept. Approved
Non-substantial Modification

Date: Carol Clarke By: 10/9/13

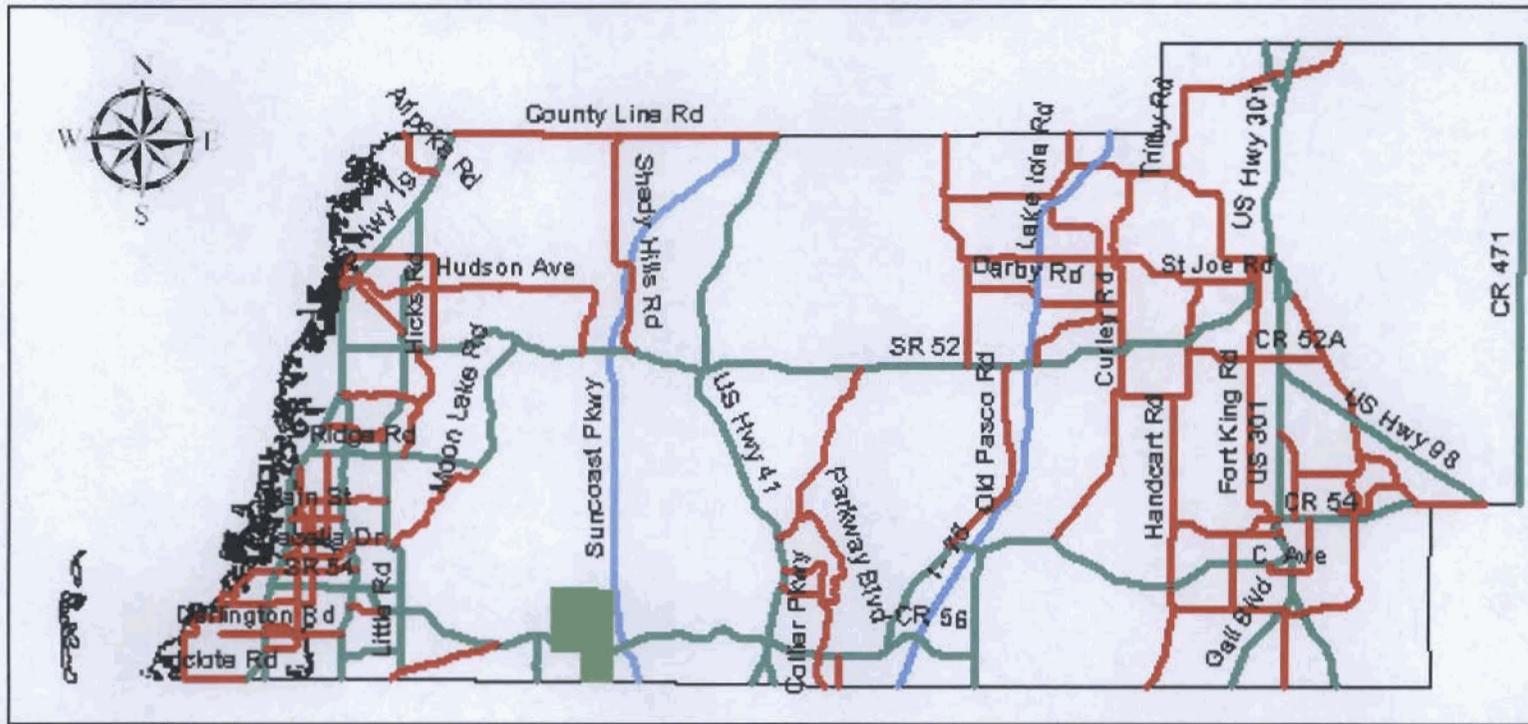
For compliance with the applicable provisions of
Pasco County Land Development Code Regulations

PETITION # RZ6668

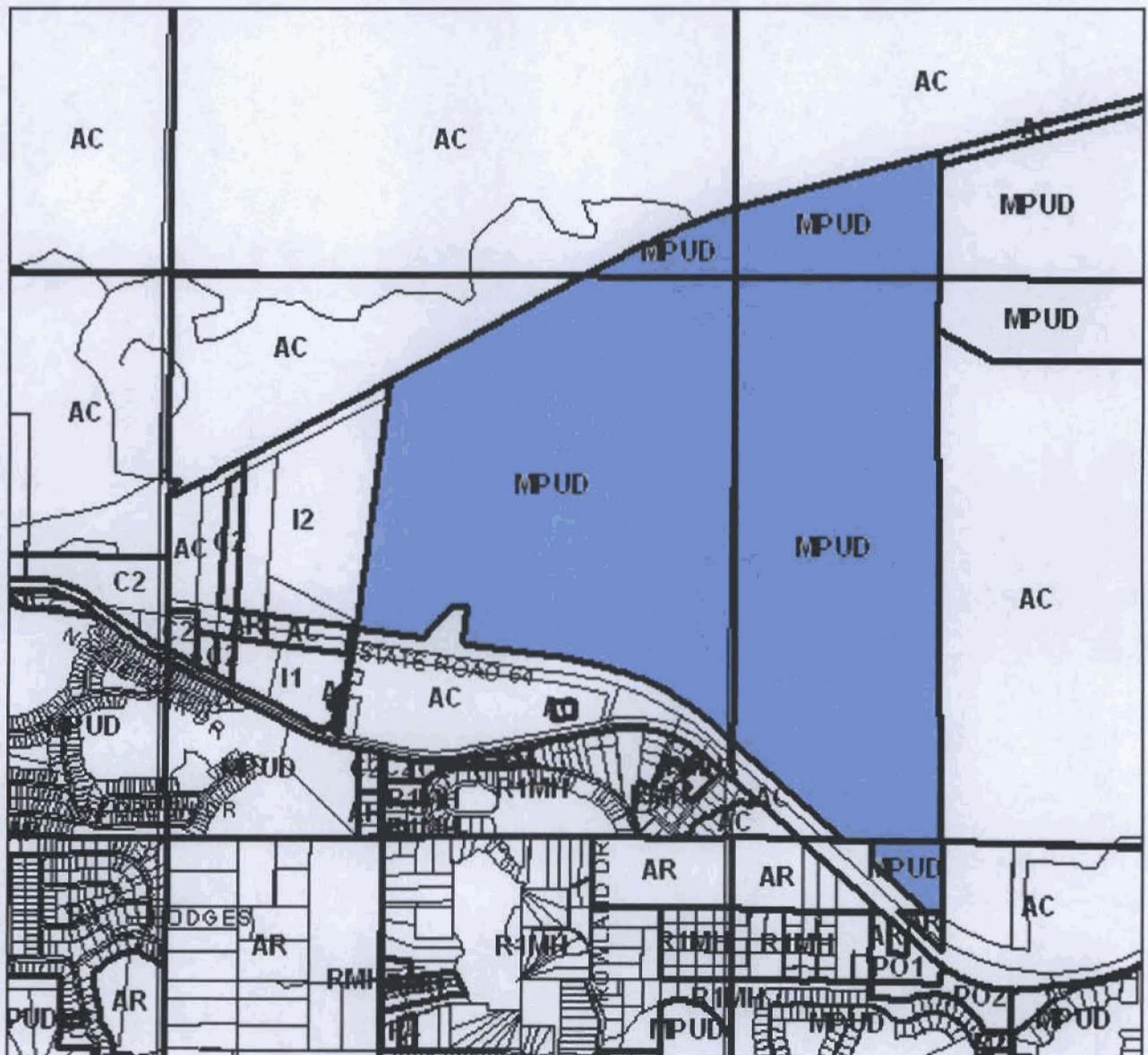
SECTION(S): 23, 24, 25, 26, 36

T. 26 S.

R. 17 E.



PASCO COUNTY, FLORIDA

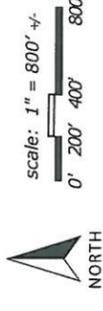


TAZ: 107

COMMISSION DISTRICT: 3

Legacy

MPUD



LEGEND

- Property Boundary
- 25' Wetland Setback
- Wetlands Category 1:
- Category 2 & 3:
- Open Space
- Tower Road Stormwater Ponds
- SF (Single Family Residential)
- Mixed Use
- Comm (Commercial)
- Lt. Industrial / Office
- Proposed Access
- Proposed Roadway
- Proposed Wildlife Corridor
- Adjacent Future Land Use
- Existing Zoning

MPUD Master Development Plan

Figure 9

September 2013

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Legacy MPUD - Land Use Data Table

Parcel	Land Use	Acres (2)	Amount (3)	Density/Intensity (4)
1A	Lt. Industrial / Office	28	350,000 sf	0.29 FAR
1B	Commercial	6	30,000 sf	0.11 FAR
2	Mixed Use	172	170,000 sf	N.A.
3	Single Family detached	38	180,000 sf	3.2 Units/ acre
4	Single Family detached	55	Office 440 du Multi Family 200 du Townhouse	2.5 Units/ acre
Total Residential Units		1,183 du.	(Based on Max. Land Use Tradeoff)	
Developable Acres		299		
Wetlands (5)		172		
Open Space (6)		28		
Tampa Bay Water Easement		12		
Future Public Road R/W (7)		23		

Table Notes: Total Project Site: 534 acres

- The maximum number of single-family detached residential units which may be constructed in the project is 550 units. All single-family detached units in excess of 360 units (up to an additional maximum of 190 units) shall be developed in accordance with the Traditional Neighborhood Design standards. Single Family Detached Units may be allowed in Mixed Use Parcel 2, in accordance with the MPUD Conditions.
- Limits and areas of development parcels are approximate and subject to change following final environmental review, detailed engineering and agency review and permitting.
- Represents estimated maximum development within parcel.
- Density/intensity by parcel is approximate and based on gross area. Areas deemed necessary for stormwater management, floodplain impact and compensation, buffers, required Neighborhood Park areas, local roads and other land requirements may alter final density/intensity.
- Approximate acreage subject to change following jurisdictional acceptance, permitted impact and mitigation. Wetland classifications as defined by the Comprehensive Plan are shown on figure.
- Includes upland areas with designated wildlife corridor and along future road r/w; however, does not include wetland buffers, required buffers or required parks and yards/setbacks within development parcels. Areas designated as Open Space on this plan may be used for stormwater management facilities, wetland mitigation areas, or flood plain compensation areas.
- Includes required public road dedication for north/south road (4.7ac. +/-) and future Tower Road r/w (18.5ac. +/-). Area is approximate and subject to change following roadway design, stormwater retention requirements, wetland mitigation impacts, floodplain impacts and compensation areas.

Legacy MPUD - General Notes

Open Space -
To comply with the PD Plan Category Open Space Requirement, the total Open Space shall be composed of Open Space, Tampa Bay Water Easement, Future Public Road Right-of-Way all as shown in the Land Use Data Table above; Class 2 and 3 Wetlands; and may also include other lands designated as Open Space located within development parcels. The project's total Open Space will be a minimum of 90 acres, which is 25% of the project's developable acreage.

Wildlife Corridor -

The Wildlife Corridor and Open Space may be used for floodplain compensation, wetland mitigation and flatwoods creation generally consistent with Exhibits B1 and B2. Any open water areas within the Wildlife Corridor are subject to review and approval by the Development Review Division (DRD) and the County Biologist. No other construction or use will be permitted in the Wildlife Corridor except as otherwise authorized by County regulations.

Access -

- Drive 1: Left In, Right In / Right Out access (Full access when signalization installed)
- Drives 2, 4, 5 and 6: Right In / Right Out only access
- Drive 3: Full access driveway aligned with existing median opening on SR 54

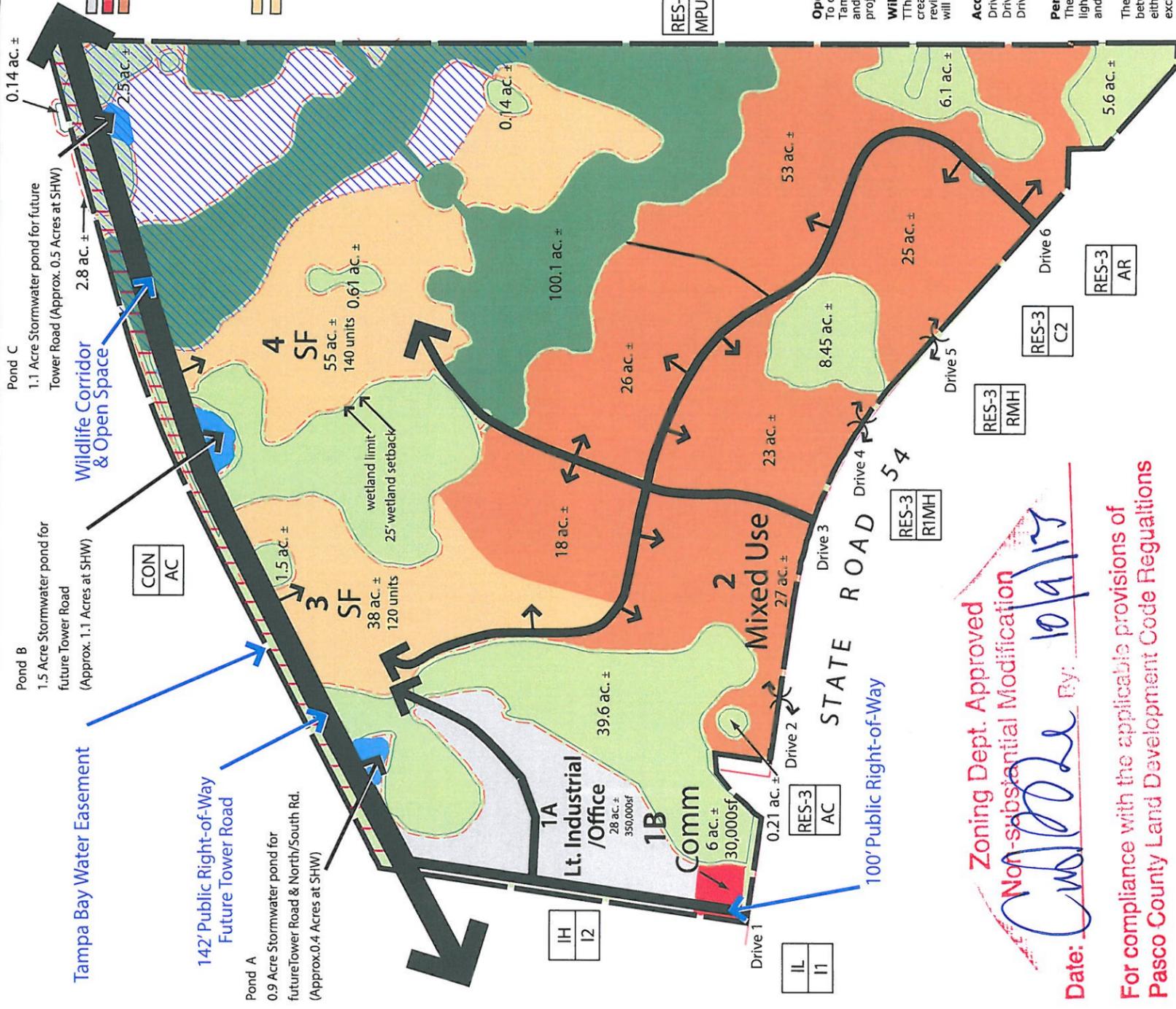
Permitted Land Uses -

The land uses allowed in the MPUD include residential uses, office uses, neighborhood and general commercial uses, light industrial uses and targeted businesses; the specific uses in each category are shown on the List of ITE uses and Land Use Classifications.

The general locations for land uses are as shown on this MPUD Master Plan and land uses may be exchanged between and among parcels consistent with the List of ITE uses. Land use exchanges shall not be subject to either minor or substantial modification processes of the MPUD zoning district but may proceed upon submittal of an exchange request to and verification by the Zoning and Site Development Department as provided in Conditions of Approval.

Project Phasing -

The timing of development of specific land uses and development parcels may proceed as determined by the developer. There is no required geographic phasing for the project. The development parcels shown on the Master Plan do not imply or require phasing of any type.



Zoning Dept. Approved
Non-substantial Modification
Date: *C. [Signature]* By: *10/9/13*

For compliance with the applicable provisions of
Pasco County Land Development Code Regulations

**LEGACY
MASTER PLANNED UNIT DEVELOPMENT
AMENDED CONDITIONS OF APPROVAL
REZONING PETITION NO. 6668**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted December 12, 2005 and September 23, 2013, as amended by the Revised MPUD Master Development Plan attached hereto as Exhibit A unless otherwise stipulated or modified herein or by the Development Agreement contemporaneously entered into between the developer and the County (hereafter the "Project"). The Revised MPUD Master Development Plan approved hereunder and these conditions of approval by the County authorizes the following land uses: (i) 260 single-family dwelling units; (ii) 200 multi-family/townhouse units; (iii) 440 multi-family units; (iv) 200,000 square feet of commercial use; (v) 180,000 square feet of office use; and (v) 350,000 square feet of light industrial/office use. These approved land use entitlements may be converted by type and relocated pursuant and subject to Condition Nos. 35, 49, 50, 52 and 53 as reflected in Schedule 1.

Open Space/Buffering

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands Protection, CON Policy Nos. 1.3.3, 1.3.4, and 1.3.5; and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with CON Policy 1.3.2. 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, CON 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 density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. The developer shall convey to the County the 1,100-foot critical linkage described as the "Starkey to South Pasco Linkage" in the 2002 Habitat Study, *"Assessment of Measures to Protect Wildlife Habitat in Pasco County,"* in the form of a conservation easement and/or fee simple as further described below at no cost to the County. All conveyances required herein by developer for the Critical Linkage (as defined hereinafter) shall be at no cost to Pasco County. Pursuant to Policy No. CON 1.2.1 and 1.2.2.b, Critical Linkage Map, the County has agreed to shift the western border of the critical linkage shown on Map 3-4 to the east in accordance with Exhibit B attached hereto and incorporated herein. Initially (and in the timeframe described below), applicant shall convey to Pasco County a conservation easement over the portions of the 1,100-foot critical linkage lying within the jurisdictional wetland limits shown on Exhibits B-1 and B-2 (the "Initial Critical Linkage Conservation Easement"). Applicant shall be permitted to use the remaining uplands located within the 1,100-foot critical linkage (the "Linkage Uplands") for floodplain compensation, wetland mitigation, and flatwoods creation pursuant to No. 5 below. The term "Critical Linkage" shall refer to hereinafter as the area subject to the Initial Critical Linkage Conservation Easement and the Linkage Uplands. After applicant has completed its use of the Linkage Uplands for such purposes in accordance with the terms and conditions hereof, applicant shall either convey the Linkage Uplands to Pasco County in fee simple or convey to Pasco County a conservation easement over the Linkage Uplands on terms and conditions reasonably acceptable to applicant and Pasco County.
 - a. The Initial Critical Linkage Conservation Easement shall be executed and recorded in favor of Pasco County. Such easement and legal description shall be in a form acceptable to the County Attorney's office, the Environmental lands Acquisition Division, and the Real Estate Division and shall include a plan which illustrates the limits of the area subject to the Initial Critical Linkage Conservation Easement and the 50-foot buffer on the western edge of the same as illustrated in Exhibits B-1 and B-2 attached hereto and incorporated herein.
 - b. After acceptance by the County and prior to the first construction plan approval, the Initial Critical Linkage Conservation Easement shall be recorded by the applicant/developer in the Public Records of Pasco County, unless the County requests in writing that such easement shall be recorded prior to submittal of the first preliminary plan/preliminary site plan.

- c. The Initial Critical Linkage Conservation Easement shall be net of any areas to be modified for floodplain compensation, wetland mitigation, and flatwoods creation pursuant to No. 5 below. As provided in Condition No. 8, applicant/developer shall convey the Linkage Uplands by easement or fee simple within ninety (90) days of the release of the Performance Guaranty (as hereinafter defined).
4. The developer is authorized to use the Linkage Uplands for floodplain compensation, wetland mitigation, and flatwoods creation. Such areas shall be generally consistent with Exhibits B-1 and B-2, and shall be surveyed, described, and specifically depicted on a mitigation plan (the Critical Linkage Mitigation Survey/Property Description). Such Critical Linkage Mitigation Survey/Property Description shall be signed and sealed by a registered Florida land surveyor.
5. The developer shall be responsible for the completion of a mitigation, monitoring and maintenance plan (the CLMP) for those areas on the Critical Linkage Mitigation Survey/Property Description. The CLMP shall be submitted for review and approval to the County and the Southwest Florida Water Management District (SWFWMD) prior to approval of the first preliminary plan. The mitigation plan will address the creation of floodplain compensation areas within the Critical Linkage, the method of operation for transfer of soil material from the compensation areas, and the comprehensive mitigation/restoration plan, which will enhance the uplands to a condition which improves the existing condition (pasture) and that meets or exceeds the standards for upland wildlife mitigation restoration, consistent with Policy No. CON 1.2.2.g. This plan shall include, at a minimum, information regarding the base soils to remain after borrow activities (pH, soil amendments, elevations, modified seasonal high water elevations, and a soil profile description to 72 inches below the new base grade) and recommended species and planting schedule for the creation of an upland wildlife habitat.

The County reserves the right to the mitigation credits created as a result of the preservation and enhancement of the critical linkage. These credits will be permitted as a Regional Off-Site Mitigation Area for the future impacts of Tower Road or other public infrastructures as determined by the County.

6. Prior to or concurrent with the first construction plan approval, the developer shall post a Performance Bond, or other financial guarantee (the Performance Guarantee), guaranteeing the success of the CLMP for a period of five years following completion of the use and mitigation of the Linkage Uplands by applicant and their conveyance in fee simple, or granting of the final conservation easement for the same, to Pasco County. The amount of the Performance Guarantee will be determined and agreed upon between the County and the developer based on the details of the CLMP at the time of CLMP approval by the County. Such Performance Guarantee shall be issued in a form and by an issuer acceptable to the Risk Manager and the County Attorney's Office.
7. The developer shall submit an annual monitoring and performance report (Annual CLMP Report) to the County on the status of their mitigation and maintenance efforts to restore and enhance the Linkage Uplands in accordance with the approved CLMP. The CLMP and the Annual CLMP Reports shall be reviewed by the County and SWFWMD at the end of the five-year monitoring period to determine the overall success of the project and compliance with the stated goals in the CLMP. The applicant may at that time be released of the maintenance obligation and the Performance Guarantee returned. Upon release of the Performance Guarantee, the CLMP shall be determined to have fulfilled the requirements of an Environmental Management Plan pursuant to Policy No. CON 1.2.6 of the Comprehensive Plan.
8. Within 90 days of the release of the Performance Guarantee, the developer shall convey to Pasco County (at no cost to the County) in fee simple title or by conservation easement as described above for the Linkage Uplands and may also dedicate/convey to Pasco County fee simple title to the portion of the project that is within the Critical Linkage Conservation Easement.
9. Prior to the issuance of the construction plan approval for the Linkage Uplands, the developer shall submit the Floodplain Compensation Plan and prior to the issuance of a hard-copy Site Development Permit, the developer shall submit the required easements for the stormwater and flood-control elements of the development and provide the County with the required floodway and drainage way easements related to South Branch Creek. The developer shall be responsible for the maintenance of these areas; however, at its sole discretion, the County may assume responsibility for the operation and maintenance of the floodway.
10. In order to protect surface-water quality, stormwater exiting the site shall meet all applicable State water quality standards. The applicant/developer shall develop a surface-water quality monitoring program reviewed by Pasco County, SWFWMD, Florida Department of Environmental Protection (FDEP) and Tampa Bay Water (TBW), and approved by Pasco County, and shall be instituted before commencement of development as defined in the Pasco County Land Development Code and continue through build-out of the development. Access to the monitoring sites shall be made available to the agencies above. One of the purposes of these monitoring programs is to ensure no adverse impact to the South Branch Creek. The following parameters shall be included within any required water quality monitoring program:

- a. Sampling locations and specific parameters including nutrients, pesticides, herbicides, and stormwater parameters; frequency (minimum of twice annually) of monitoring; and reporting shall be subject to Pasco County, FDEP, and other appropriate regulatory bodies' approval.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/FDEP quality-control standards and requirements.
 - c. The monitoring results shall be submitted to the FDEP, SWFWMD, TBW, and Pasco County. Should the monitoring indicate that applicable State water quality standards are not being met; the violation shall be reported to Pasco County and the above-mentioned agencies immediately. In the event there is a violation of any State water quality standards, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific on-site construction or other on-site activity causing the violation cannot be identified, all construction in the subbasin shall cease until the activity causing the violation is identified.
11. The applicant/developer shall comply with the current Wellhead Protection Ordinance (LDC, Subsections 808.5-808.7, as amended).

Appropriate subsurface investigations shall be performed prior to construction of stormwater management and/or floodplain compensation ponds to determine proper development scenarios to protect against potential sinkhole damage.

Should any noticeable soil slumping or sinkhole formation become evident, the applicant/developer shall immediately notify Pasco County, TBW, and SWFWMD and adopt one or more of the following procedures as determined to be appropriate by Pasco County and SWFWMD:

- a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and SWFWMD approve resuming construction activities.
 - b. Take immediate measures to ensure no surface water drains into the affected areas.
 - c. Visually inspect the affected area.
 - d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
 - e. Use geotextile materials in the backfilling operation when appropriate.
 - f. If the affected area is in the vicinity of a water-retention area, maintain a minimum distance of five feet from the bottom of the retention pond to the surface of the limerock, clay, or karst connection.
 - g. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, relocate the retention area.
 - h. Discharge stormwater into depressions with a direct or demonstrated hydrologic connection to the Floridan aquifer shall be prohibited.
 - i. The historic average rainfall volume discharged from the project shall not be decreased postdevelopment. The applicant/developer shall propose stormwater design solutions which achieve this goal (i.e., use of swale systems and reducing treatment volume requirements) in cooperation with TBW and to the extent of the permitting agencies (Pasco County and SWFWMD) can allow.
12. The developer has submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
- a. The applicant's preliminary plan/preliminary site plan shall identify all on-site wetlands and provide categorization of these units employing the current categorization system (Categories I, II, or III). Impacts to Categories II or III wetland units shall be mitigated either within the Critical Linkage or immediately adjacent in order to buffer the core corridor from the adjacent proposed development wherever practical.
 - b. The developer shall, to the fullest extent practicable, locate and design any abutting infrastructure so as to prevent primary and secondary impacts to the Critical Linkage except as permitted hereby for floodplain compensation, wetland mitigation and flatwoods creation.

- c. Street lighting shall be focused toward roads and away from the Critical Linkage. Lighting for entry features/signs shall be erected at the monuments/signs. No streetlights shall be installed within 50 feet of any wildlife crossing(s).
 - d. To the maximum extent practicable, littoral shelves on adjacent surface-water-management ponds, mitigation wetlands, and passive parks shall be designed to expand the effective width of the Critical Linkage by providing additional width, cover, and food sources.
 - e. Wildlife-crossing signs shall be in locations and numbers approved by Pasco County at the time of the first applicable preliminary plan approval and at a minimum shall be provided along the access roads connecting from Tower Road to the north and S.R. 54 to the south.
13. 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 or Relocation Permit issued by the Florida Fish and Wildlife Conservation Commission to the Planning and Development Department (PDD).
 14. Prior to construction plan/construction site plan approval, the developer shall submit to the PDD 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 PDD a copy of the Environmental Resource Permit.
 15. The developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on October 16, 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."
 16. 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. 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

17. 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, except as set forth in the Development Agreement. In the event ordinances/resolutions adopted at public hearing 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 adopted at public hearing except as set forth in the Development Agreement.

Transportation/Circulation

Access Management

18. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the PDD and the Emergency Services Department.

19. Prior to final site/construction plan approval of any project phase abutting a State roadway, the owner/developer shall furnish to the PDD 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, 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.
20. At each preliminary plan/preliminary site plan approval, the County may also require, if recommended by the County Engineer pursuant to the Land Development Code, further intersection improvements along (a) the internal road intersections, (b) the north-south public road on the west project boundary, (c) Tower Road (but only if final construction plans have been approved for the same and construction of the road has been funded) and (d) the main project access road at S.R. 54.
21. 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.
22. The access points and any interconnects shown on the master plan are not approved. The developer/applicant is required to submit a separate Master Roadway Plan for approval. All accesses shall meet Access Management criteria.

Donation/Dedication of Right-of-Way

23. Public roadways shall be required unless otherwise approved by the County through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
24. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
25. 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.
26. The developer shall donate and convey at no cost to Pasco County 142 feet of right-of-way for Tower Road abutting the southern limits of the 32-foot Pinellas County Water Transmission Main Easement (O.R.B. 706, Page 277) located south of the north project boundary (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, provide for appropriate and sufficient drainage/retention, 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 Long-Range Plan, improvements of Tower 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 maximum required drainage/retention, and floodplain mitigation facilities will be as shown on the revised MPUD Master Plan attached hereto as Exhibit "A" (based on an engineer-certified Certificate of Drainage Analysis that has been submitted to the County) or in such other areas and sizes upon which developer and the County may mutually agree based on final stormwater/drainage plans. Developer's obligation to construct any improvements or facilities shall expire if no construction plans for the portion of Tower Road have been completed as of the date of approval of the stormwater-management plan for the portion(s) of the Project adjacent to Tower Road; however, developer's obligation to dedicate/convey such land as required by this condition as shown on Exhibit "A" shall not expire. The drainage and floodplain mitigation facilities contemplated hereunder have been determined in accordance with laws and rules existing as of December 18, 2007. All stormwater-management plans, reports, or calculations for the developer's project have been based on a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

In the event the County adopts a transportation impact or mobility fee which includes assessment for roadway right-of-way and/or roadway related right-of-way or facilities for drainage and floodplain compensation for Tower Road, owner/developer shall be entitled to credit against such fees for the roadway and roadway related right-of-way donation or facilities required hereunder, subject to the requirements of the applicable transportation impact fee or mobility fee ordinance.

The developer shall, at no cost to Pasco County, convey in fee simple the remnant northeast corner of the parcel lying east of the Critical Linkage depicted as "Tower Rd. drainage/mitigation area" on Exhibit B-1 to address some or all of the above requirements.

27. The developer shall convey at no cost to Pasco County 100 feet of right-of-way for the north-south road located on the west boundary of the subject property and an additional 35 feet of right-of-way for the north-south road to total 135 feet at the intersections of the north-south road and S.R. 54, for a distance of 660 feet from the said intersection.

In addition, the developer shall, at no cost to Pasco County, provide sufficient drainage/retention, 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 Long-Range Plan, improvements of the north-south road located on the west boundary of the subject property 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 maximum required drainage/retention, wetland, and floodplain mitigation facilities are as shown on the revised MPUD Master Plan attached hereto as Exhibit "A" (based on an engineer-certified Certificate of Drainage Analysis that has been submitted to the County) or in such other areas and sizes upon which developer and the County may mutually agree based on final stormwater/drainage plans. Developer's obligation to construct any improvements or facilities shall expire if no construction plans for the portion of the north-south road have been completed as of the date of approval of the stormwater-management plan for the portion(s) of the Project adjacent to the north-south road; however, developer's obligation to dedicate/convey such land as required by this condition as shown on Exhibit "A" shall not expire. The drainage and floodplain mitigation facilities contemplated hereunder have been determined in accordance with laws and rules existing as of December 18, 2007. All stormwater-management plans, reports, or calculations for the developer's project have been based on a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

In the event the County adopts a transportation impact or mobility fee which includes assessment for roadway right-of-way and/or roadway related right-of-way or facilities for drainage and floodplain compensation for the north-south road, owner/developer shall be entitled to credit against such fees for the roadway and roadway related right-of-way donation or facilities required hereunder, subject to the requirements of the applicable transportation impact fee or mobility fee ordinance.

Design/Construction Specifications

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 east 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. Prior to the issuance of the first hard-copy Site Development Permit, the applicant shall submit a License and Maintenance Agreement application to the PDD for any allowed interim uses in the transportation corridor. The License and Maintenance Agreement shall be executed by all parties prior to record plat or prior to the issuance of the first Certificate of Occupancy within the development site where a record plat is not required. The applicant agrees to discontinue and remove, at the applicant's sole expense, the interim uses in the S.R. 54 and Tower Road transportation corridors, and the north-south public road located on the west property boundary 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, or Capital Improvement Element, or the FDOT in the FDOT's Five-Year Transportation Improvement Program (the "Termination Date"). This agreement shall state that the interim uses shall be discontinued no later than the Termination Date. The agreement shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, 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 FDOT, as applicable, for a time period not to exceed one year for each extension.

The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.

30. 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.
31. Alternative roadway-design standards may be considered and approved by the County at the time of each preliminary plan/preliminary site plan approval.
32. The developer has submitted traffic studies which were reviewed by the staff of the County. The developer shall construct or bond the following site-access improvements:
 - a. S.R. 54 and project Driveway One (west project boundary): At no cost to Pasco County, the developer shall construct a westbound, right-turn lane on S.R. 54, with deceleration and storage length of 430 feet, including a taper length of 50 feet, two southbound left turn lanes, a southbound right turn lane, and signalize the intersection when warranted by the MUTCD.
 - b. S.R. 54 and project Driveway Two: At no cost to Pasco County, the developer shall construct a westbound, right-turn lane on S.R. 54, with deceleration and storage length of 430 feet, including a taper length of 50 feet.
 - c. S.R. 54 and project Driveway Three (center main access): At no cost to Pasco County, the developer shall construct a second eastbound left turn lane on S.R. 54 with a deceleration and storage length of 505 feet, including taper length of 50 feet, and corresponding dual northbound receiving lanes, a westbound, right-turn lane on S.R. 54, with deceleration and storage length of 430 feet, including a taper length of 50 feet, two southbound left turn lanes, a southbound right turn lane, and signalize the intersection when warranted by the MUTCD, subject to approval at time of preliminary plan/preliminary site plan and by the County Engineer.
 - d. S.R. 54 and project Driveway Four: At no cost to Pasco County, the developer shall construct a westbound right-turn lane on S.R. 54 with deceleration and storage length of 430 feet, including a taper length of 50 feet.
 - e. S.R. 54 and project Driveway Five: At no cost to Pasco County, the developer shall construct a westbound right-turn lane on S.R. 54 with deceleration and storage length of 430 feet, including taper length of 50 feet.
 - f. S.R. 54 and project Driveway Six: At no cost to Pasco County, the developer shall construct a westbound right-turn lane on S.R. 54 with deceleration and storage length of 430 feet, including a taper length of 50 feet.

The foregoing site-access improvements shall be constructed by developer in phases as needed to serve the adjacent development phases. As such, developer shall, unless otherwise approved by the County:

(a) prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, for such proposed development phase, provide a site-access analysis for the subject phase (and any other phases then under review by the County) demonstrating when the site-access improvements shall be required per the County's access management regulations;

(b) prior to approval of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, for such proposed development phase, bond (or post other security acceptable to the County) the site-access improvements that will be required to serve such proposed development phase in accordance with such site-access analysis; and

(c) construct such phased site-access improvements when required by such site-access analysis.

Developer shall indicate concurrent with or as part of the first record plat, or where platting is not required prior to approval of the first construction plan/construction site plan, for each phase to be served by an adjacent site-access improvement which areas of the proposed development are to be served by such site-access improvements.

33. Off-site improvements shall be in accordance with the approved Development Agreement.
34. Prior to a plat approval or preliminary site plan/construction site plan approval occurring after November 2, 2021, the developer shall submit (or developer may request that the County conduct) a timing and phasing analysis in accordance with Section 901.12 of the Land Development Code. The County may impose additional conditions based upon the timing and phasing analysis as approved by Pasco County.

35. The traffic study submitted by the applicant assumes the following land uses: 260 single-family dwelling units, 200 condominium/townhouse units, 440 multi-family units, 206,000 square feet of commercial use, 184,000 square feet of office use and 350,000 square feet of light industrial use. The total gross p.m. peak hour trips for the Project is 2,551 trips. Subject to Condition No. 53(e)(4), the developer may develop any of the land uses specified herein subject to a maximum of 2,551 p.m. gross peak hour trips for the Project. At the time of each preliminary plan/preliminary site plan submittal, the developer shall include the specific uses and the corresponding ITE Trip generation land use classification as prescribed in Exhibit "C", and the corresponding trip calculation(s) in accordance with the most recent ITE Trip Generation Handbook. Each preliminary plan/preliminary site plan submittal shall include an accounting of all prior trip allocations pursuant to all prior preliminary plan/preliminary site plan approvals and reservation of any unbuilt trip allocations for the minimum required amounts of Commercial, Light Industrial, and Office uses. In addition, where a traffic study/timing and phasing analysis 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/timing and phasing analysis 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/timing and phasing analysis 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/timing and phasing analysis.
36. At any time after the approval of a record plat, or where platting is not required, a construction plan/construction site plan, for Parcels 1A and 1B, if the County determines it is needed, the developer shall pay for and perform a signal warrant study for the signalization of project Driveway One. If warranted, the developer shall pay for its pro-rata share (based on trip generation) of the cost of signalization upon request of the County or install the signal and receive impact/mobility fee credits from Pasco County for the portion of the cost of such installation that exceeds developer's pro-rata share of the same. If such a study determines that the signal is not warranted, the developer shall remain obligated to pay for its pro-rata share of the cost of signalization and shall pay the same prior to the County's approval of the final plat/construction plan/construction site plan in the Project as reasonably determined by the County.
37. Prior to approval of a record plat and/or where platting is not required prior to approval of the first construction plan/construction site plan that would create an aggregate of more than 280 trips on Driveway 3, or where required by the County for safety purposes, the developer shall provide a Letter of Credit (or other reasonable form of security) acceptable to Pasco County for 125 percent of the pro-rata share of the cost of the signalization at project Driveway Three. At anytime thereafter at the County's request (or earlier with developer's consent), the developer shall pay for and perform a signal warrant study. If warranted, the developer shall pay for its pro-rata share of the cost of signalization upon request of the County or install the signal and receive impact/mobility fee credits from Pasco County for the portion of the cost of such installation that exceeds developer's pro-rata share of the same. If such a study determines that the signal is not warranted, the developer shall remain obligated to pay for its pro-rata share of the cost of signalization and shall pay the same prior to the County's approval of the final plat/construction plan/construction site plan in the Project as reasonably determined by the County.
38. Prior to the first preliminary plan/preliminary site plan submittal, the developer shall submit a Master Roadway Plan to the Planning and 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, and alignment for major County collector and arterial roadways within the MPUD Master Planned Unit Development. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the Land Development Code, Section 901.1. Approval of this plan must be obtained from the DRC prior to the first preliminary plan/preliminary site plan submittal.
39. Developer shall not be required to include a TOD Phase (as hereinafter defined) within the Project, and if developer does not wish to include a TOD Phase within the Project, developer shall only be required to provide such right-of-way and facilities as set forth on Exhibit "E" attached hereto (the "Interim Transit Accommodations Plan").

If developer wishes to develop a phase or phases of the Project as a transit-oriented design area (individually, a "TOD Phase" or collectively, the "TOD Phases"), then in order to obtain the additional

densities and intensities that are permitted within the Transit Center Overlay area (beyond what is already permitted by these conditions and the Subarea Policy for the Legacy Subarea Policies, POLICY FLU 7.1.18), developer shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the TOD Phases of the Project through the provision of the right-of-way and facilities required by a transit accommodations plan (the "Transit Accommodations Plan"). The Transit Accommodations Plan, if applicable, shall include, without limitation, 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 Transit Accommodations Plan shall be submitted to the Planning and Development Department for review and the County's approval prior to preliminary plan/preliminary site plan submittal of the first unit or phase within the TOD Phases. Approval of the detailed description of the 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 for a TOD Phase the transit-accommodation facilities required by the Transit Accommodations Plan and shall include and show on any preliminary plan/preliminary site plan for a non-TOD Phase the applicable transit-accommodation facilities required for that phases by the Interim Transit Accommodations Plan, each of 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 by the County. Except as provided in Transit Accommodations Plan or otherwise by the County for improvements intended to serve TOD Phases, the applicant/developer and/or its successors agree to maintain any required transit-accommodation facilities in good, working condition as determined by the PCPT and further agree to assume all liability, including obtaining additional insurance if necessary, for the transit-accommodation facilities. 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.

Applicant shall not be required to comply with Article 601 (formerly Article 800 concerning Traditional Neighborhood Development) of the Land Development Code, except as provided in Condition No. 49. Only those phases of the Project developed as TOD Phases shall be classified as "transit oriented development" for purposes of mobility fees and any credits or incentives permitted by the Land Development Code or otherwise by the County.

40. The developer shall submit an overall multiuse path plan to the Planning and Development Department for review and approval concurrent with the submittal and approval of the first preliminary plan/preliminary site plan. At a minimum, the multiuse path master plan shall provide pedestrian connections between uses within the site at a minimum width of ten feet with the incorporation of green space, shade trees, and benches; and shall incorporate the western boundary of the Critical Linkage, other wetlands and wet pond areas into the multiuse path as amenity areas. Interconnections for pedestrian walkways shall be such that the residential/multi-family component can easily access office or commercial components by the proximity of the pedestrian walkways to the buildings and the use of dual entry features (access from front and rear) to encourage walkability. The multiuse path shall be intermittently landscaped every 60 feet with a canopy tree, intermittent ground cover, shrubs and understory plantings. Park bench seating located next to a canopy tree will be required for every one-quarter mile along the multiuse path.
41. Prior to the submittal of each preliminary plan/preliminary site plan a conceptual plan for each development increment shall be submitted to the Planning and Development Department to ensure that the proposed site plan reasonably integrates the retail, office and residential uses for the project. The conceptual plan shall demonstrate overall project uses, building orientation (if known and applicable) and vehicular and pedestrian connectivity. Each conceptual plan submitted shall include conceptual plans from previous increment approvals. Should the applicant be aggrieved by any decision of the department concerning such conceptual plan, the applicant may appeal the decision to the Development Review Committee.

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 Land Development Code 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 PDD.
43. To the extent permitted by SWFWMD's rules and regulations, and SWFWMD's permit requirements for the Project, the developer shall convey a drainage easement providing a continuous flow way to the

County over the SWFWMD jurisdictional wetlands area of the Critical Linkage area, located to the east of Parcel 4 as generally shown on Exhibit A, for the purpose of maintaining natural drainage and free flow of stormwater and other surface waters with a limited right of ingress and egress to perform maintenance activities related thereto for the County's agents and necessary equipment. The easement, encumbering SWFWMD jurisdictional wetlands only, shall be dedicated with the final record plat approval for the first dwelling unit for Parcel 4, but in no event shall the easement be dedicated later than the time provided in Condition No. 3 for conveyance/dedication of the Initial Critical Linkage Conservation Easement. The drainage easement dedication shall essentially be in the form as attached Exhibit "D" except as maybe modified as requested by the SWFWMD or as acceptable to the County to effectuate the intent of these conditions of approval, and the dedication shall not prohibit the use of the easement for other environmental or passive recreational use. It is expressly understood and agreed that the developer will reserve onto itself rights of ownership of the easement premises not inconsistent with the easement rights granted in the easement to the County including the grant of additional rights not in conflict with the rights granted in the easement, provided however, that the developer shall not conduct nor allow development activities on the easement premises not permitted hereby or by the terms of the easement.

44. Finished floor elevations for all habitable structures shall be in accordance with the Land Development Code, as amended. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.
45. 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.
46. 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.
47. All site plans and plats generated and/or submitted by the applicants/developers during the course of permitting and development activities shall show the locations of the Tampa Bay Water transmission mains/pipeline easements and the location of all Tampa Bay Water infrastructure located therein. The applicants/developers shall provide Tampa Bay Water with copies of all such site plans and plats at the time of their submittal to the County and shall demonstrate that development activities will not cause any adverse impact to existing and future Tampa Bay Water infrastructure located within Tampa Bay Water's easements, or otherwise interfere with Tampa Bay Water's rights pursuant to its easements.
48. 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.
 - 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

49. The general and specific land uses set forth herein and in Exhibit "C" shall be permitted subject to the following restrictions, limitations and design standards:
 - a. Single-Family Detached

- (1) Minimum Lot Width of 45 Feet*
- (2) Minimum Lot Depth of 100 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 5,000 Square Feet*
- (7) Maximum Lot Coverage of 55 Percent—Principal Structure
- (8) Maximum Lot Coverage of 20 Percent—Accessory Structure
- (9) The total number of single-family detached dwelling units shall not exceed 550 units. If the applicant elects to exceed 360 single family dwelling units, then any additional single family shall be developed as part of a small mixed use Traditional Neighborhood Development village, in accordance with the County's TND regulations, to be located within the mixed use parcels on the MPUD Master Plan.

* Minimum lot width, lot area and lot setbacks may be reduced below the minimum standards set forth above provided that the lot and unit configuration and design of the single-family units proposed for such development are approved by the County. Additionally, minimum side yard setbacks may be reduced to 5 feet where there is a TND design or as otherwise approved by the County. Such setbacks (if reduced to 5 feet) shall comply with the following conditions:

- (a) Prior to any construction on the lot, proper erosion and sedimentation controls shall be installed.
- (b) Lots that back up to drainage-retention areas and/or wetland areas designed and permitted to receive discharge shall be "Type B" or "Type C" graded. A minimum fifteen (15) foot wide drainage and access easement shall be provided along all rear lot lines where there is a pipe or swale. 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.
- (c) Lots graded as "Type A," which back up to other lots, shall require the installation of gutters on the sides and backs connecting to roof leaders and discharging to the front of the lot. These lots do not require a drainage easement at the rear of the lots.
- (d) Lots graded as "Type B" or "Type C," which back up to other lots, shall require that traffic-bearing grates be installed upon a Florida Department of Transportation (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 7.5 foot-wide drainage and access easement shall be provided along all rear lot lines for a total of fifteen (15) feet. 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.
- (e) 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*.
- (f) 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 flow restrictions exist. Any modification or flow 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.
- (g) Gutters and roof structures shall be installed so as to reduce direct discharge to the side-yard swales.

(h) 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 of construction and complete the "as-built" certification, including the signature and sealing of the same, prior to the issuance of the Certificate of Occupancy (CO) or use of the structure associated with the lot.

(i) A minimum 5-foot-wide drainage/access easement shall be provided on all side lot lines for a total of 10-feet.

(j) No obstructions shall be permitted in the side yard easements. This includes, but is not limited to, air conditioning systems, water softeners, pumps, fences, etc.

Conditions (b) through (g) above may be modified by the County Engineer or his designee upon request of the applicant and its demonstration that the intent of the conditions are achievable by other means or alternative standards.

b. Townhomes

- (1) Minimum Lot Width of 16 Feet
- (2) Minimum Lot Depth of 100 Feet
- (3) Minimum Front-Yard Setback of 20 Feet from Back of Curb or Sidewalk
- (4) Minimum Side-Yard Setback of 0 Feet for Interior Property Lines; 10 Feet for Exterior Property Lines** (20 Feet Side Separation)
- (5) Minimum Rear-Yard Setback of 15 Feet
- (6) Maximum Lot Coverage of 100 Percent—Principal Structure
- (7) Maximum Building Height Shall Not Exceed 45 Feet
- (8) Land Considered for Neighborhood Park Requirements or Used for Stormwater Retention/Detention Shall Be a Minimum of 20 Feet from the Rear of Any Units and a Minimum of 15 Feet from the Side of Any Units

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

- c. Multi-Family development standards shall be in accordance with the MF-2, or MF-3 High Density Multi-Family districts with the following exceptions:
- (1) Lot Width: N/A
 - (2) Lot Depth: N/A
 - (3) Lot Coverage: 100 percent
- d. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
- e. Land considered for the neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the units and a minimum of 15 feet from the side of the units.
- f. Single family detached buildings shall have varying front setbacks if developed conventionally. Townhomes shall have varying facades and/or elevations.
- g. Office development standards shall be in accordance with the PO-2, Professional Office, district, with the following exceptions:
- (1) Maximum building height shall not exceed 60 feet
 - (2) Maximum of a single drive-aisle with parking on either side between buildings and front setback along S.R. 54, unless otherwise approved by the County
 - (3) Exact building orientation/separation and parking field shall be determined prior to submittal of the preliminary plan/preliminary site plan review stage during the review of the conceptual plan
 - (4) Office entitlements may not be reduced below 100,000 square feet.
 - (5) The side and/or rear of office buildings shall be treated with architectural design standards similar to the front of the building, as determined by their location and

reviewed by the Planning and Development Department to provide walkable access from the retail and residential parcels.

- h. All uses permitted in the C-1, Neighborhood Commercial and C-2, General Commercial zoning districts shall be permitted consistent with Exhibit "C" in accordance with the C-1, Neighborhood Commercial and C-2, General Commercial Districts with the exception of all conditional uses and the following*:
- (1) New and preowned passenger and commercial vehicle, truck, trailer, motorcycle, boat, and recreational vehicle sales and leasing and incidental displays and/or storage and/or service departments;
 - (2) Amusement Park;
 - (3) Kennel (outdoor);
 - (4) Lumber Yard (unless as an accessory use to a larger general retail commercial use);
 - (5) Mortuary, Funeral Home, Crematorium;
 - (6) Plant Nursery (unless as an accessory use to a larger general retail commercial use);
 - (7) Sales of Pottery and Statues (unless as an accessory use to a larger general retail commercial use);
 - (8) Propane Sales (unless as an accessory use to a larger general retail commercial use);
 - (9) Septic Tank Sales and Installation;
 - (10) Sod Sales (unless as an accessory use to a larger general retail commercial use);
 - (11) Warehouse and General Storage (except for mini-storage warehouse uses in association with residential use);
 - (12) Travel Trailer Parks

General and neighborhood commercial type development shall be in accordance with the standards set forth in the C-2, General Commercial, and C-1, Neighborhood Commercial, districts, respectively with the following exception:

- (1) A total of three drive-throughs may be allowed; however, only one of the drive-throughs may be used for a drive-in/fast-foot restaurant, unless otherwise approved by the Development Review Committee.
 - (2) The side and/or rear of retail buildings shall be treated with architectural design standards similar to the front of the building, as determined by their location and reviewed by the Planning and Development Department to provide walkable access from the office and residential parcels.
 - (3) Commercial entitlements may not be reduced below 140,000 square feet.
- i. Building(s) shall be oriented so as to establish open green space areas that shall promote walkability and serve as an amenity for employees to sit outside and eat or converse.
- j. Mixed use areas shall be designed to encourage walkability and connectivity among the retail, professional office and residential parcels and shall incorporate prominent green space areas, attractive view sheds, and focal points, such as park benches, landscaping, lighting, and/or fountains/sculptures.
- k. All uses permitted in the I-1, Light Industrial Park zoning district shall be permitted consistent with Exhibit "C" in accordance with the I-1, Light Industrial Park District with the exception of all conditional uses and the following:
- (1) Carpenter, electrical, plumbing, welding, heating or sheet metal shop;
 - (2) Contractor's offices also involving storage;
 - (3) Pest control office and storage;
 - (4) Wholesale warehousing and storage (unless as an accessory use to a distribution warehouse use);
 - (5) Recycling operations
 - (6) Transfer stations

- (7) Utility operations (except those needed for the PD);

Light industrial type development shall be in accordance with the standards set forth in the I-1, Light Industrial Park, district with the following exception:

- (1) Light industrial entitlements may not be reduced below 100,000 square feet.
 - (2) Parcel 1A shall not be converted to residential use unless approved by the County.
 - (3) All uses must be in an enclosed building (provided that such limitation shall not prohibit typical accessory uses within light-industrial developments, such as loading areas and docks).
- I. Targeted business development shall be permitted and may be entitled to any build-out extensions and exemptions authorized under section 402.7. and 522.8.D of the Land Development Code
 - m. Governmental development, including public and quasi-public development, including County, State and Federal buildings, shall be determined by the Zoning Administrator at the time of preliminary plan/preliminary site plan review.
 - n. Other compatible development shall be determined by the Zoning Administrator at the time of preliminary plan/preliminary site plan review using the zoning district standards most similar in intent and purpose to the proposed use.
 - o. The total aggregate amount of development for the Legacy MPUD Master Planned Unit Development shall not exceed the total aggregate traffic impact equivalent of the uses enumerated in Condition No. 35.
 - p. The vesting for the maximum density or square footage shall be as set forth in the DA.
 - q. 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.
50. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
51. 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 Legacy 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.
52. Development shall occur within the Project as shown on the Revised MPUD Master Development plan, unless otherwise authorized under Condition Nos. 50 and 53 or otherwise stipulated or modified herein or in the Development Agreement previously entered into between the Developer and the County. The Developer shall develop at least four of the land use types authorized hereunder, including at least three non-residential uses.

Land Use Entitlement Modifications

53. The land use entitlements set forth in Condition No. 35 may be increased or decreased and relocated within the project boundaries subject to the following limitations and procedures:
- a. The use is permitted or allowable under these conditions of approval and Exhibit "C";
 - b. The aggregate traffic trip generation does not exceed 2,551 gross p.m. peak hour trips;
 - c. The maximum and minimum use restrictions set forth in these conditions of approval are not violated;
 - d. Parcel 1.A. shall not be developed with residential uses; and
 - e. In connection with submittal and review of the conceptual plan required under Condition No. 41:
 - (1) Each land use modification request shall be submitted together with an updated MPUD, Master Planned Unit Development master plan to the Planning and Development Department for verification that the modification satisfies Condition No. 53.a-d. and will not result in internal or external land use incompatibilities
 - (2) Each land use modification request must include assurance that any additional utility demands associated with the proposed exchange can be accommodated.

- (3) Any additional park and school impacts as appropriate must be mitigated.
 - (4) Each such modification of the conceptual plan must include a traffic trip generation calculation to verify that the cumulative, non-exempt residential and commercial development (including the proposed uses affected by such conceptual plan modifications then under consideration) within the Project does not exceed 2,264 p.m., gross peak-hour trips. For purposes of this condition, "non-exempt residential and commercial" means those uses not exempted from transportation analysis by LDC Section 901.12. Notwithstanding any other provision of these conditions, the County acknowledges that (a) the Project lies within the County's s Urban Service Area, which means that the Project is no longer subject to the regulations applicable to Developments of Regional Impact and (b) LDC Section 901.12 presently exempts certain uses from transportation analysis (such as timing and phasing analyses) and that, subject to LDC Section 901.12, the development of such uses within the Project may be permitted without additional transportation analysis even though such development would cause the Project to cumulatively generate trips in excess of the gross p.m., peak-hour trips set forth hereinabove. Nothing in this subsection shall exempt the Project from complying with the County's access management regulations.
- f. Upon verification of the items listed above, the requested modification shall be approved administratively by the Zoning Administrator. In the event the Zoning Administrator does not approve the exchange, the developer may request that the exchange be considered by the DRC. Such request for DRC consideration must be submitted in writing to the Planning and Development Department.

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 for residential and nonresidential sales within the MPUD Master Planned Unit Development. This disclosure shall include the future roadway number of lanes and construction timing, if applicable.
- 55. 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.
- 56. If a preliminary plan or preliminary site plan for every phase of the entire MPUD Master Planned Unit Development is not submitted and approved by November 2, 2021 (subject to any statutory or County-wide extensions issued subsequent to the approval of these revised conditions of approval), the conditions of approval for those portions of the MPUD that do not have (unexpired) preliminary plan or preliminary site plan approval shall expire. Subject to the terms and conditions of the aforementioned Development Agreement, 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 Land Development Code 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 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. 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. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of these conditions is completed (including notarization) and received by the Planning and Development Department.

61. Except as expressly set forth herein, the terms and conditions set forth in that certain Development Agreement recorded at Official Records Book 8251, Page 528 of the Public Records of Pasco County, Florida remain in full force and effect and are not modified hereby. Specifically, the Release in paragraph L.6. of the Development Agreement shall apply to these modified conditions of approval.

List of Exhibits and Schedules

- Schedule 1- Legacy MPUD Summary of Land Uses Prepared by Florida Design Consultants, Inc.
Exhibit "A"- MPUD Master Plan
Exhibit "B"- Map of Critical Linkage (Pages B-1 and B-2)
Exhibit "C"- List of ITE Use and Land Use Classification
Exhibit "D"- Form of Drainage Easement
Exhibit "E"- Interim Transit Accommodations Plan

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)

BEHNKE LAND TRUST NUMBER ONE

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 its 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

**LEGACY MPUD
SCHEDULE 1**

SUMMARY OF LAND USES

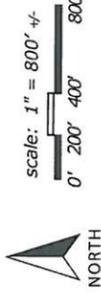
Land Use	Total	Minimum Development	Maximum Development	Notes
Residential	900 du total	N.A.	1,183 du total	
Single Family Detached	260 du.	NA	550 du. If more than 360 sf detached will be constructed, balance must be TND style, i.e., 190 of total 550 dus must be TND style	MPUD Condition # 49a
Townhouse	200 du.	NA	NA	
Multifamily	440 du.	NA	NA	
Commercial	200,000 sf.	140,000 sf.	NA	MPUD Condition #49h
Office	180,000 sf.	100,000 sf.	NA	MPUD Condition #49g
Light Industrial/Office	350,000 sf.	100,000 sf.	NA	MPUD Condition #49k

Notes:

1. Residential Maximum Development is based on implementation of the maximum Land Use Exchanges in accordance with MPUD Condition #53.
2. Refer to the MPUD Conditions of Approval for dimensional standards for each land use and additional conditions associated with development.
3. The specific land uses allowed in each use category are outlined in Exhibit C, List of ITE Uses and Land Use Classifications, of the approved MPUD.
4. Land Uses may be modified in accordance with Exhibit C, List of ITE Uses and Land Use Classifications and consistent with Condition #53 of the MPUD Conditions of Approval.
5. Exhibit C also identifies the number of trips generated by each land use. Development of the MPUD can continue until the total of all approved development reaches a maximum of 2,551 PM peak hour trips in accordance with Exhibit C.

Legacy

MPUD



LEGEND

- Property Boundary
- 25' Wetland Setback
- Wetlands Category 1:
- Category 2 & 3:
- Open Space
- Tower Road Stormwater Ponds
- SF (Single Family Residential)
- Mixed Use
- Comm (Commercial)
- Lt. Industrial / Office
- Proposed Access
- Proposed Roadway
- Proposed Wildlife Corridor
- Adjacent Future Land Use
- Existing Zoning

MPUD Master
Development Plan

Figure 9

Ex.A.

September 2013

planLegacy213\Figure9\091113a1

Legacy MPUD - Land Use Data Table

Parcel	Land Use	Acres (2)	Amount (3)	Density/Intensity (4)
1A	Lt. Industrial / Office	28	350,000 sf	0.29 FAR
1B	Commercial	6	30,000 sf	0.11 FAR
2	Mixed Use	172	170,000 sf	N.A.
3	Single Family detached	38	180,000 sf	4.40 du Multi Family
4	Single Family detached	55	200 du	200 du Townhouse
Total Residential Units		1,183 du.	(Based on Max. Land Use Tradeoff)	
Developable Acres		299		
Wetlands (5)		172		
Open Space (6)		28		
Tampa Bay Water Easement		12		
Future Public Road R/W (7)		23		

Table Notes: Total Project Site: 534 acres

- The maximum number of single-family detached residential units which may be constructed in the project is 550 units. All single-family detached units in excess of 360 units (up to an additional maximum of 190 units) shall be developed in accordance with the Traditional Neighborhood Design standards. Single Family Detached Units may be allowed in Mixed Use Parcel 2, in accordance with the MPUD Conditions.
- Limits and areas of development parcels are approximate and subject to change following final environmental review, detailed engineering and agency review and permitting.
- Represents estimated maximum development within parcel.
- Density/Intensity by parcel is approximate and based on gross area. Areas deemed necessary for stormwater management, floodplain impact and compensation, buffers, required Neighborhood Park areas, local roads and other land requirements may alter final density/intensity.
- Approximate acreage subject to change following jurisdictional acceptance, permitted impact and mitigation. Wetland classifications as defined by the Comprehensive Plan are shown on figure.
- Includes upland areas with designated wildlife corridor and along future road r/w; however, does not include wetland buffers, required buffers or required parks and yards/setbacks within development parcels. Areas designated as Open Space on this plan may be used for stormwater management facilities, wetland mitigation areas, or flood plain compensation areas.
- Includes required public road dedication for north/south road (4.7ac. +/-) and future Tower Road r/w (18.5ac. +/-). Area is approximate and subject to change following roadway design, stormwater retention requirements, wetland mitigation impacts, floodplain impacts and compensation areas.

Legacy MPUD - General Notes

Open Space -
To comply with the PD Plan Category Open Space Requirement, the total Open Space shall be composed of Open Space, Tampa Bay Water Easement, Future Public Road Right-of-Way all as shown in the Land Use Data Table above; Class 2 and 3 Wetlands; and may also include other lands designated as Open Space located within development parcels. The project's total Open Space will be a minimum of 90 acres, which is 25% of the project's developable acreage.

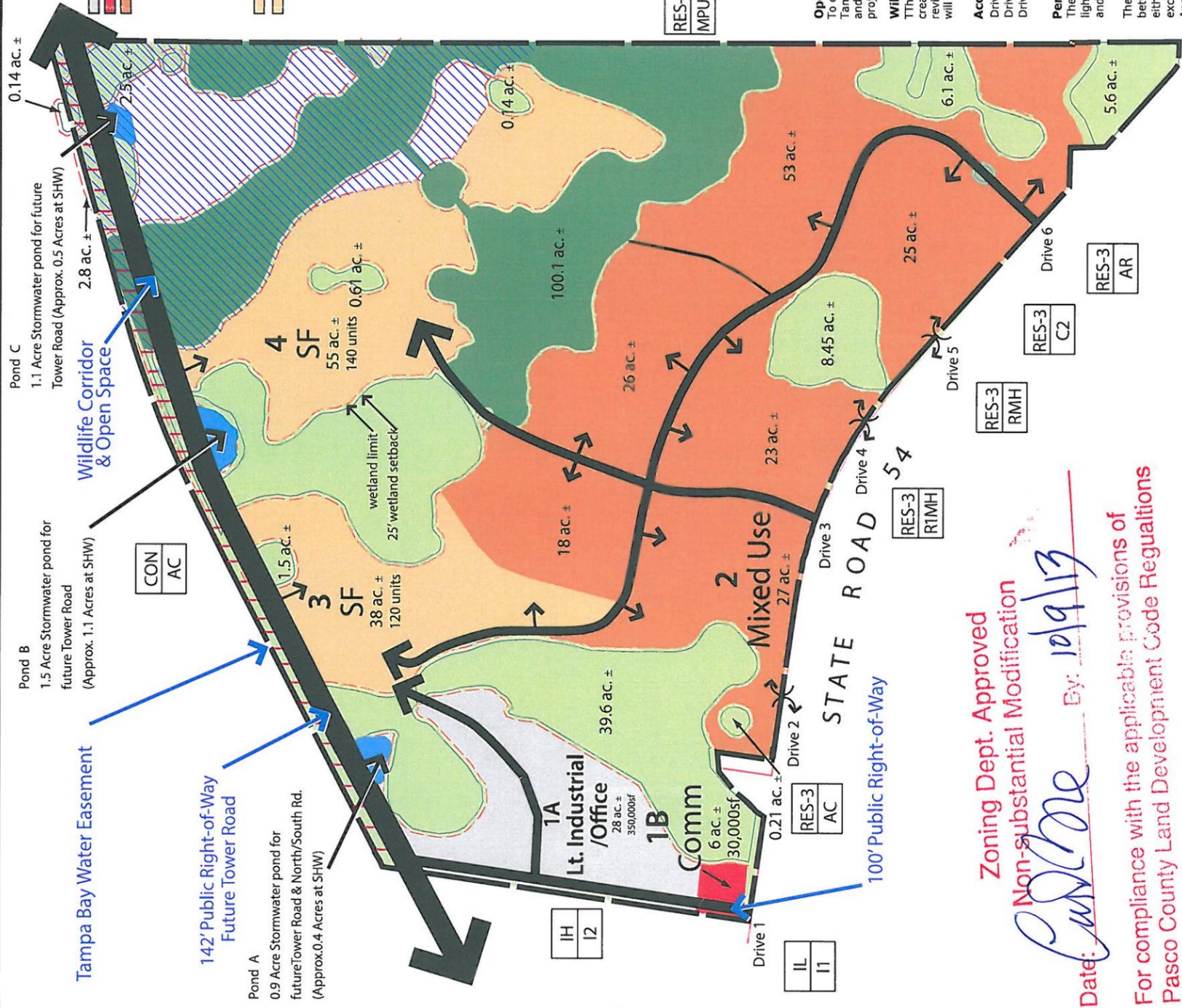
Wildlife Corridor -
The Wildlife Corridor and Open Space may be used for floodplain compensation, wetland mitigation and flatwoods creation generally consistent with Exhibits B1 and B2. Any open water areas within the Wildlife Corridor are subject to review and approval by the Development Review Division (DRD) and the County Biologist. No other construction or use will be permitted in the Wildlife Corridor except as otherwise authorized by County regulations.

Access -
Drive 1: Left In, Right In / Right Out access (Full access when signalization installed)
Drives 2, 4, 5 and 6: Right In / Right Out only access
Drive 3: Full access driveway aligned with existing median opening on SR 54

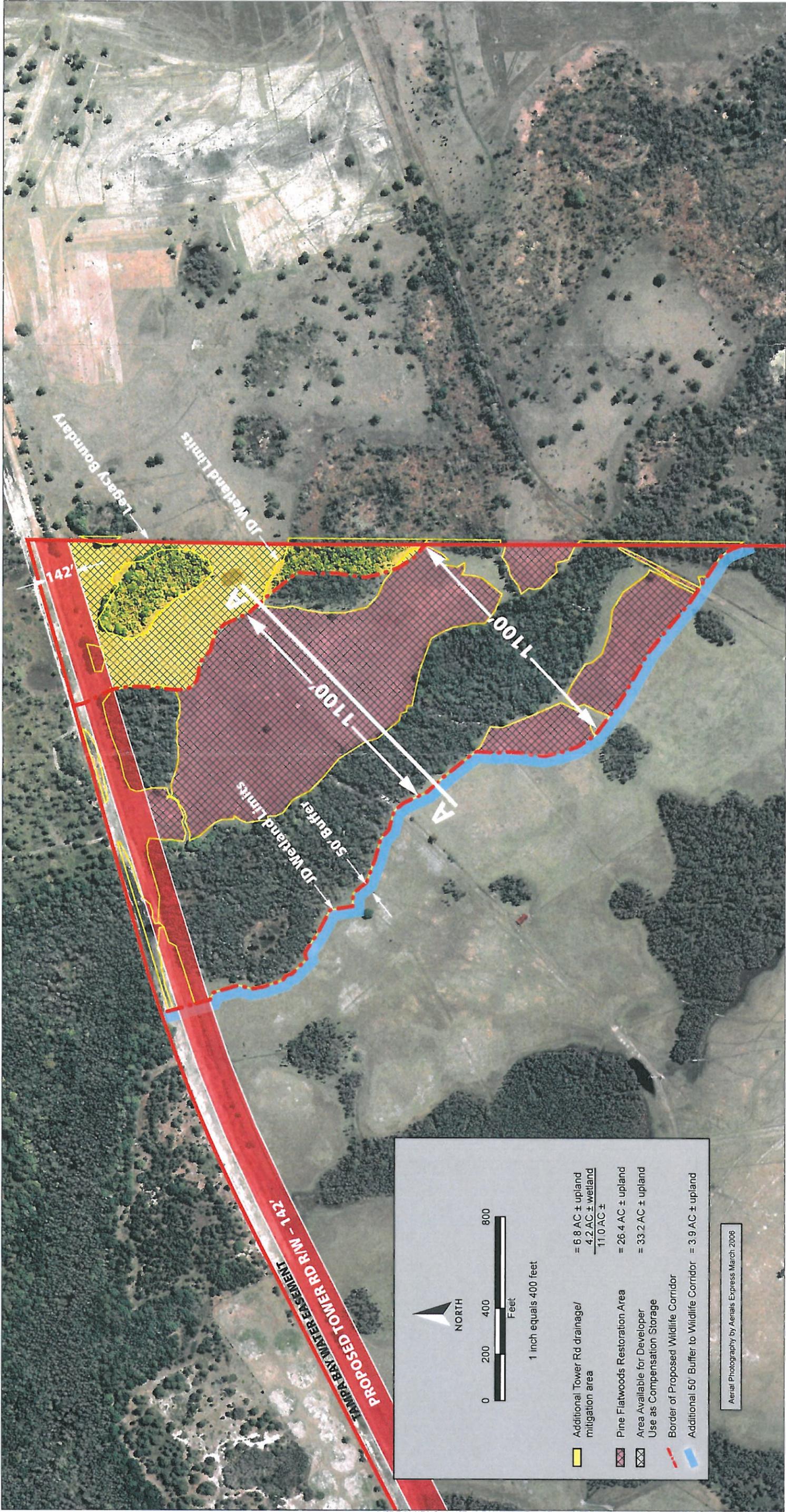
Permitted Land Uses -
The land uses allowed in the MPUD include residential uses, office uses, neighborhood and general commercial uses, light industrial uses and targeted businesses; the specific uses in each category are shown on the List of ITE uses and Land Use Classifications.

The general locations for land uses are as shown on this MPUD Master Plan and land uses may be exchanged between and among parcels consistent with the List of ITE uses. Land use exchanges shall not be subject to either minor or substantial modification processes of the MPUD zoning district but may proceed upon submittal of an exchange request to and verification by the Zoning and Site Development Department as provided in Conditions of Approval.

Project Phasing -
The timing of development of specific land uses and development parcels may proceed as determined by the developer. There is no required geographic phasing for the project. The development parcels shown on the Master Plan do not imply or require phasing of any type.



Zoning Dept. Approved
Non-substantial Modification
Date: *10/9/13* By: *[Signature]*
For compliance with the applicable provisions of
Pasco County Land Development Code Regulations



RECEIVER Exhibit B-1 SEP 17 2013

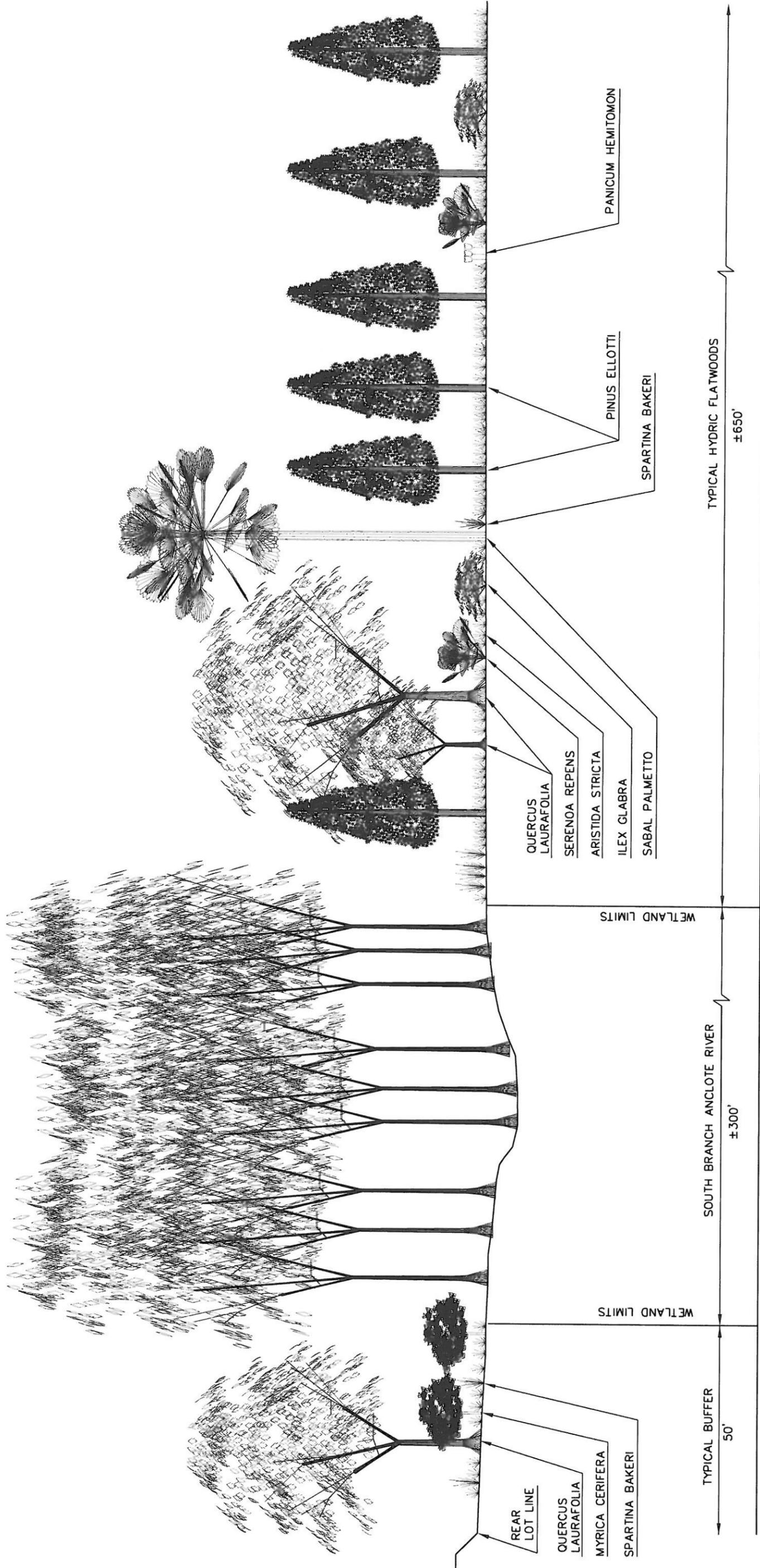
PDR ZENING & INTAKE

GIS Data

This drawing is comprised of data obtained from a variety of sources. It is for information purposes only and is not to be considered comprehensive for site-specific data.

Legacy Proposed Wildlife Corridor Enhancement Plan





K:\215\Proj\010\Exhibits\213_11X17-100-XSEC.dwg - Jul 13, 2009 10:38am - jthomas

GRAPHIC-NOT TO SCALE
 FINAL PLANT SPECIES, DENSITY, AND
 LOCATION SUBJECT TO SITE CONDITION AT
 TIME OF PLANTING.

FLORIDA DESIGN CONSULTANTS, INC. ENGINEERS, ENVIRONMENTALISTS, SURVEYORS & PLANNERS 6321 Grand Blvd., New Port Richey, FL 34652 Tel: (727) 849-7588 - Fax: (727) 848-3648 E.B. No. 7421	FOR:	THE BEHNKE LAND TRUST NUMBER ONE 14325 BLACK LAKE ROAD ODESSA, FLORIDA 33556	DESCRIPTION:	LEGACY EXHIBIT B-2 SECTION "A"	PROJECT No. 506-100A	DATE: 7-10-09	FIGURE: 2 OF 2
					SCALE: NOT TO SCALE	DRAWN BY: JST	

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**LEGACY MPUD
EXHIBIT C**

LIST OF ITE USES AND LAND USE CLASSIFICATIONS

Purpose of Exhibit C

The List of ITE Uses and Land Use Classifications, Exhibit C, identifies all of the allowable uses for the project within the respective residential, office, commercial and light industrial parcels. The titles of land uses shown in the left column of the List of this Exhibit C are the allowable uses for the project as defined in Pasco County's Zoning Code. The right column of the table of this Exhibit C is the name and reference number of the ITE Land Use Code to be used to calculate the number of trips for the proposed land use.

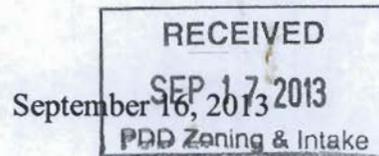
Methodology

To request development approval of a specific land use within the MPUD and to calculate the number of trips generated by that land use, the steps are as follows:

1. Use Exhibit C, List of ITE Uses and Land Use Classifications, to confirm that the proposed land use is included in the left column of the Table as a Permitted Use and is therefore allowed in the MPUD.
2. On Exhibit C, identify the ITE Land Use Code in the right column of the Table that is in the same row as and corresponds to the proposed land use in the left column.
3. Use the latest edition of the ITE Trip Generation Report to find the corresponding ITE Land Use Code identified in Step 2.
4. Use the latest edition of the ITE Trip Generation Report to calculate the number of PM peak hour trips generated by the proposed land use.

Development of the MPUD can continue until the total of all approved development reaches a maximum of 2,551 PM peak hour trips. A cumulative summary of the trips generated by the approved projects in the MPUD shall be maintained and submitted with each application for development approval.

Legacy MPUD



Residential Parcels

The following table identifies all permitted uses allowed for development in the Residential Parcels and the category to be referenced in the Land Use Trade-Off Table if a land use exchange is proposed:

Permitted Use	Category in Land Use Trade-off Table ITE LUC/ Land Use
Single Family	210, Single Family
Townhouse	230, Townhome
Multi-family Dwellings	220, Apartments (If rental units) 230, Condominium (If for-sale units)

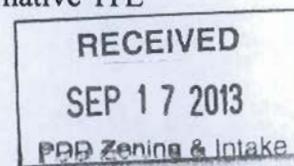
Office Parcels

The following table identifies all permitted uses allowed for development in the Office Parcels and the category to be referenced in the Land Use Trade-Off Table if a land use exchange is proposed:

Permitted Use	Category in Land Use Trade-off Table ITE LUC/ Land Use
Professional Offices	710, Office
Medical Offices	720, Medical/Dental Office
Business Services	710, Office
Financial Services	710, Office
Financial Institutions *	820, Shopping Center OR 912, Drive-In Bank
Public and quasi-public buildings including county, state, and federal offices	730, Government Office
Post office *	820, Shopping Center OR 732, U.S. Post Office
Police or Fire Station	Allowed Use- No trips generated by use
Hospital or Clinic	610, Hospital 630, Clinic
Library	590, Library
Museum	710, Office
Church	560, Church

Notes

* If the proposed use is located within the same master parcel as or contiguous to the shopping center, the trip generation calculated for the use shall be 820, Shopping Center. If the proposed use is not located within the same master parcel as or contiguous to the shopping center, the trip generation calculated for the use shall be the alternative ITE LUC shown in this table.



Commercial and Industrial Parcels

The following table identifies all permitted uses allowed for development in the Commercial and Industrial Parcels and the category to be referenced in the Land Use Trade-Off Table if a land use exchange is proposed:

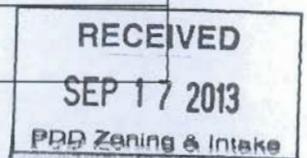
Permitted Use	Category in Land Use Trade-off Table ITE LUC/ Land Use
Neighborhood Commercial Uses	
Retail Sales for local, neighborhood or community needs	820, Shopping Center, <u>OR</u> 814, Specialty Retail, <u>OR</u> 881, Pharmacy/ Drugstore with Drive – through Window
Eating places, restaurants *	820, Shopping Center, <u>OR</u> 931, Quality Restaurant 932, High Turnover Sit-Down Restaurant 934, Fast Food Restaurant With Drive-through
Personal Services	820, Shopping Center
Day-care center	565, Day-care Center
Financial Services	710, Office
Financial Institutions *	820, Shopping Center, <u>OR</u> 912, Drive-In Bank
Police or Fire Station	Allowed Use- No trip generation
Medical or Dental Laboratory	130, Industrial Park
Radio and Television Broadcasting studio	130, Industrial Park
Residential Treatment Facility	253, Congregate Care Facility, <u>OR</u> 254, Assisted Living
Public & quasi-public buildings including county, state and federal offices	730, Government Office
Post office *	820, Shopping Center <u>OR</u> 732, U.S. Post Office
Church	560, Church
School	520, Elementary School, <u>OR</u> 522, Middle School, <u>OR</u> 530, High School
Miniwarehouse and Storage Units <i>Note: Allowed only if in association with a residential development</i>	151, Mini-Warehouse

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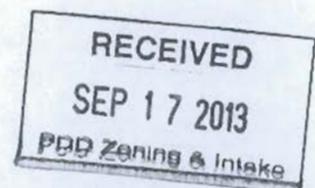
September 16, 2013

General Commercial Uses	
Sales of Automobile Parts	843, Automobile Parts Sales
Automobile Washing	947, Self Serve Car Wash, OR 948, Automatic Car Wash
Bicycle sales and repair	820, Shopping Center
Bowling Alley	437, Bowling Alley
Cabinet & Carpentry Shops	130, Industrial Park
Dancing Halls or Dancing Academies	820, Shopping Center
Dry Cleaning	820, Shopping Center
Sales & Repair of Appliances	820, Shopping Center
Wholesale Food Distribution	110, General Light Industrial
Hotels, motels and condotels	310, Hotel, OR 312, Business Hotel, OR 320, Motel, OR
Laundry	820, Shopping Center
Rental, Sales & Service of Lawn Mowers	820, Shopping Center
Mortuary, Funeral Home and Crematorium <i>Note: Allowed on Parcel 1A only</i>	130, Industrial Park
Sales & Repair of Music, Radio and Televisions	820, Shopping Center
Plant Nurseries <i>Note: Allowed as accessory to principal retail use only</i>	N.A.
Pawn Shops	820, Shopping Center
Pet Shops	820, Shopping Center
Plumber Shops	820, Shopping Center
Sales of Pottery and Statues <i>Note: Allowed as accessory to principal retail use only</i>	N.A.
Propane Sales <i>Note: Allowed as accessory to principal retail use only</i>	N.A.
Secondhand Stores	820, Shopping Center
Indoor Shooting and Archery Range	130, Industrial Park
Sign Painting Shop	130, Industrial Park
Warehouse and General Storage <i>Note: Allowed on Parcel 1A only or on other Parcels if accessory to a Distribution Use</i>	150, Warehouse
Printing shops and Publishing Plants	130, Industrial Park
Residential Treatment Facility	253, Congregate Care 254, Assisted Living



Light Industrial Uses	
Research Laboratory	130, Industrial Park
Schools for Business or Industrial Training	130, Industrial Park
Garment Assembly and Sewing	130, Industrial Park
Ornamental Iron Manufacturing	140, Manufacturing
Furniture & Upholstery Manufacturing	130, Industrial Park
Furniture upholstering shop	130, Industrial Park
Contractor's Office <i>Note: Outdoor storage not allowed</i>	130, Industrial Park
Building Materials Supplies, storage and manufacturing	140, Manufacturing
Dairy Products manufacturing	140, Manufacturing
Distributing plants, beverage bottling and distribution	140, Manufacturing
Manufacture of Electrical Equipment, appliances, electronic instruments and devices	140, Manufacturing
Manufacture of ceramic products, merchandise, food products, pharmaceuticals, musical instruments and similar products	140, Manufacturing
Wholesale, warehousing and storage <i>Note: Allowed on Parcel 1A only on other Parcels if accessory to a Distribution Use</i>	150, Warehouse
Utility Operations <i>Note: Allowed to serve project only</i>	N.A.
Targeted Businesses	
State of Florida QTI Target Industries	
Manufacturing Facilities	140, Manufacturing
Finance & Insurance Services	710, Office
Corporate Headquarters	714, Corporate Headquarters
Information Industries	130, Industrial Park
Professional, Scientific & Technical Services	130, Industrial Park
Wholesale Trade & Distribution	130, Industrial Park
Administrative & Support Services	715, Single Tenant Office

Legacy MPUD



September 16, 2013

Pasco Economic Development Council Targeted Industry Listing	
Diagnostic Substances	130, Industrial Park
Biological Products	130, Industrial Park
X-ray Apparatus and Tubes	130, Industrial Park
Electro Medical Equipment	130, Industrial Park
Hospital and Medical Service Plans	710, Office
Pension, Health and Welfare Funds	710, Office
Data Processing and Preparation	710, Office
Medical Laboratories	130, Industrial Park
Testing Laboratories	130, Industrial Park
Periodicals	130, Industrial Park
Miscellaneous Publishing	130, Industrial Park
Medicinals and Botanicals	130, Industrial Park
Pharmaceutical Preparations	130, Industrial Park
Semiconductors and Related Devices	130, Industrial Park
Electronic Connectors	130, Industrial Park
Analytical Instruments	130, Industrial Park
Optical Instruments and Lenses	130, Industrial Park
Surgical and Medical Instruments	130, Industrial Park
Accident and Health Insurance	710, Office
Fire Marine and Casualty Insurance	710, Office
Commercial Physical Research	130, Industrial Park
Book Publishing	130, Industrial Park
Pumps and Pumping Equipment	130, Industrial Park
Packaging Machinery	130, Industrial Park
Speed Changers, Drives and Gears	130, Industrial Park
Power Transmission Equipment	130, Industrial Park
General Industrial Machinery	110, General Light Industrial
Industrial Machinery Nec.	110, General Light Industrial
Laboratory Apparatus and Furniture	130, Industrial Park
Process Control Devices	130, Industrial Park
Life Insurance	710, Office
Computer Programming Services	710, Office
Prepackaged Software	130, Industrial Park
Information Retrieval Services	130, Industrial Park
Commercial Nonphysical Research	130, Industrial Park
Computer Integrated Systems Design	130, Industrial Park

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Legacy MPUD

September 16, 2013

Notes

* If the proposed use is located within the same master parcel as or contiguous to the shopping center, the trip generation calculated for the use shall be 820, Shopping Center. If the proposed use is not located within the same master parcel as or contiguous to the shopping center, the trip generation calculated for the use shall be the alternative ITE LUC shown in this table.

The sale or consumption of alcoholic beverages within alcoholic beverage business establishments may be permitted as accessory to the principal use.

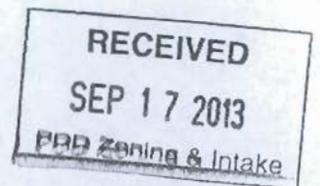


EXHIBIT D TO LEGACY MPUD CONDITIONS OF APPROVAL

FORM OF DRAINAGE EASEMENT

Return to: Board Records/Dade City

**Drainage Easement
Company/Corporation**

This instrument prepared by:

Bob Baltzer
Real Estate Division
Pasco County Government
8731 Citizens Drive, Suite 230
New Port Richey, FL 34654

Property Appraiser's Parcel ID (Folio)

Number(s): a portion of _____

THIS INDENTURE, made this ____ day of _____, A. D. 2005, between _____ Company/Inc. a Florida Corporation existing under the laws of the State of FLORIDA, having its principal place of business at _____ hereinafter referred to as the Grantor, and PASCO COUNTY, a Political Subdivision of the State of Florida, whose address is 37918 Meridian Avenue, Dade City, Florida 33525, hereinafter referred to as the Grantee.

WHEREAS, the Grantor owns and holds the following described real property:

**SEE EXHIBIT "A" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF**

AND WHEREAS, the Grantee desires to secure a nonexclusive drainage easement in said real property.

AND WHEREAS, the Grantor has agreed to convey said interest in said real property to the Grantee.

WITNESSETH, that the Grantor for good and valuable consideration by the Grantee, the receipt whereof is hereby acknowledged and by these presents does remise, release and quit-claim unto the Grantee, a nonexclusive drainage easement over, under and across the following described real property:

**SEE EXHIBIT "A" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.**

The purpose of this conveyance is to provide drainage for the _____ Road project.

TO HAVE AND TO HOLD the same with all and singular the appurtenances thereunto belonging or in anywise appertaining to the granting of this easement in law or equity to the only proper use, benefit and behoof of the said Grantee, or its successors or assigns.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name and its company/corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized the day and year first above written.

(SEAL)

ATTEST:

BY: _____
as Secretary

BY: _____
as President

Signed, sealed and delivered in the presence of:

1st Witness signature

2nd Witness signature

1st Witness print name

2nd Witness print name

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared _____ and _____ well known to be the _____ and _____ respectively of the company/corporation, named as first party in the foregoing conveyance, and that he/she/they severally acknowledged executing the same in the presence of the two subscribing witnesses freely and voluntarily under the authority duly vested in him/her/them by said company/corporation, and that the seal affixed thereto is the true company/corporate seal of said company/corporation. (He/she/they is/are personally known to me) or (have/has produced _____ as identification), and who (did/did not) take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, A. D., 2005.

SEAL

Notary Signature

My Commission Expires:

BUS STOP LOCATION

LEGACY

DRIVE 3

**5' WIDE (MIN.)
SIDEWALK**

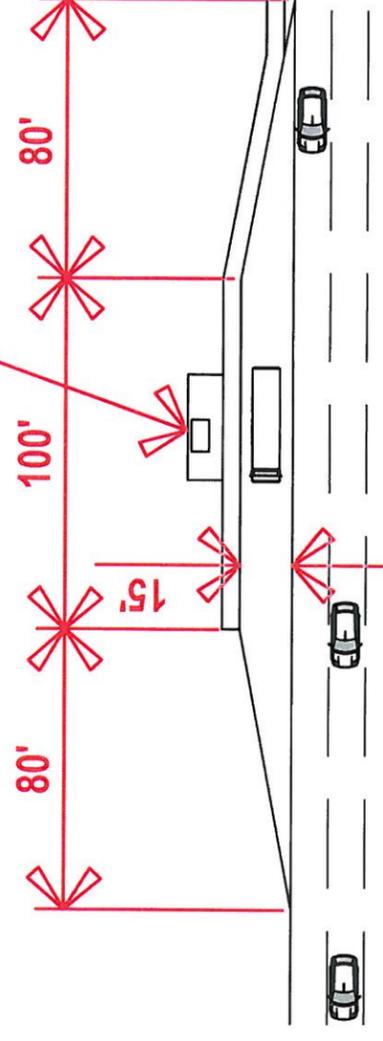
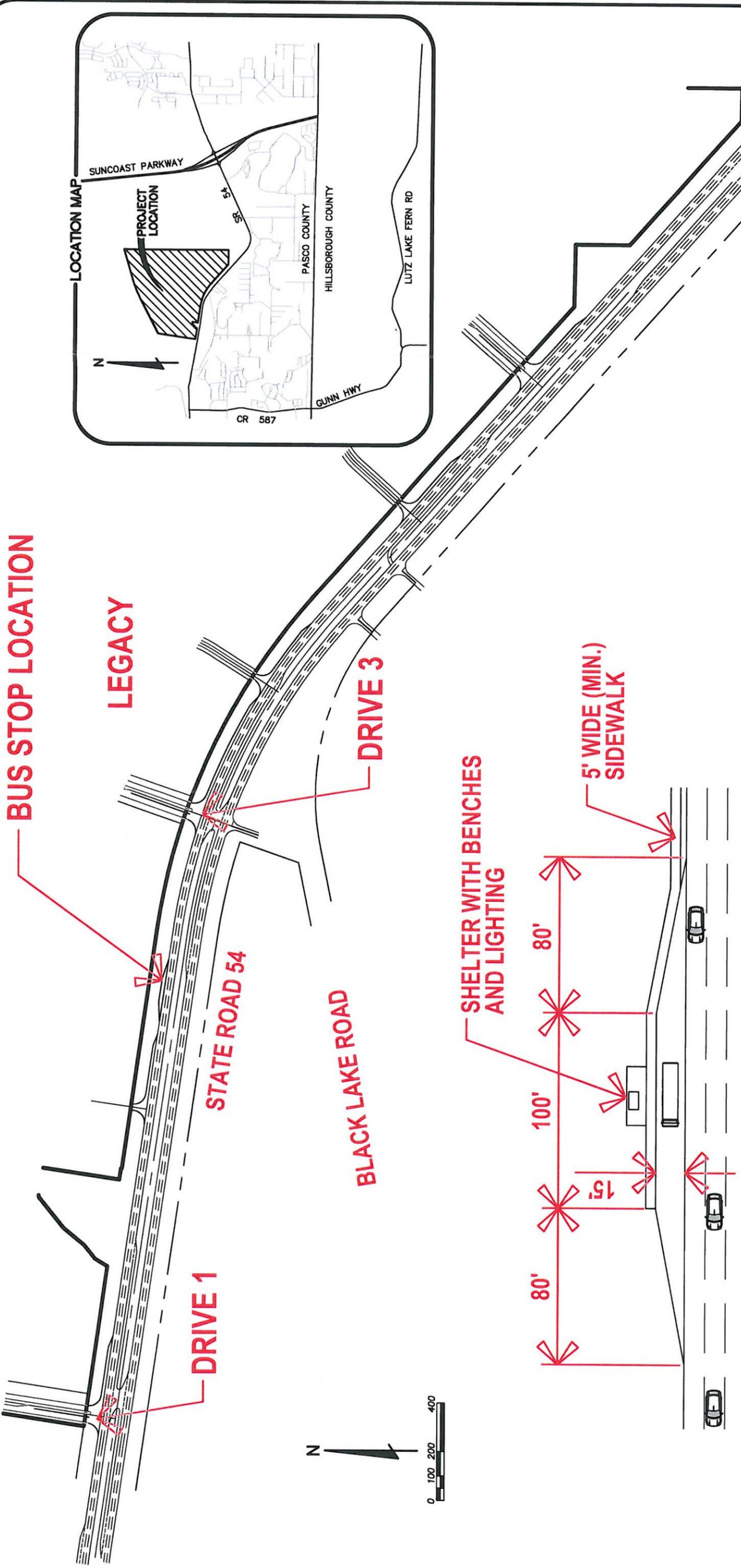
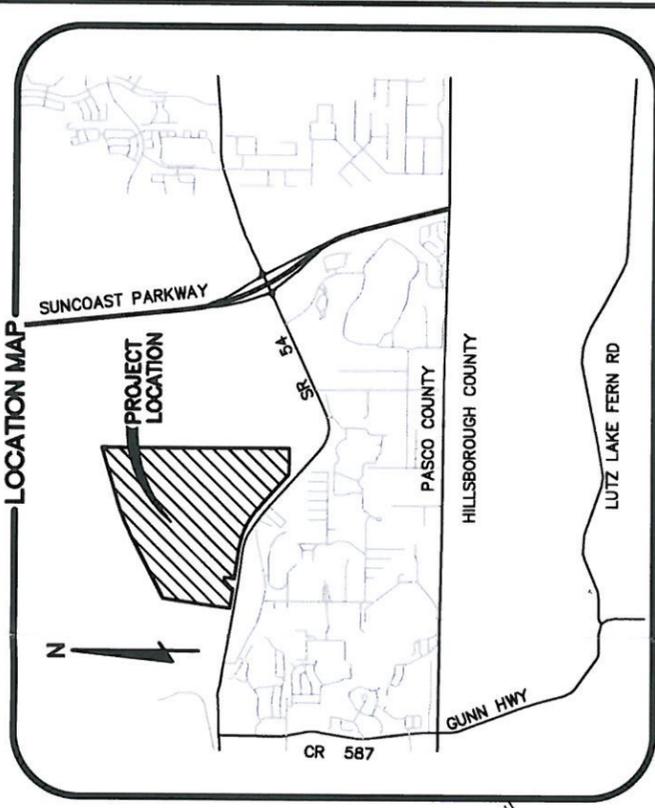
**SHELTER WITH BENCHES
AND LIGHTING**

**BUS STOP DETAIL
NOT TO SCALE**

DRIVE 1

STATE ROAD 54

BLACK LAKE ROAD



RECEIVED
SEP 17 2013
P&P Zoning & Intake

PROJ No. 506-100A	DATE: 7-16-13	FIGURE: A
EPN: 213	DRAWN BY: RAH	
SCALE: AS SHOWN		

DESCRIPTION:
TRANSIT ACCOMMODATIONS PLAN EXHIBIT E

FLORIDA DESIGN CONSULTANTS, INC.
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