

FIGURSKI & HARRILL

ATTORNEYS AT LAW

THE OAKS AT PERRINE RANCH
2550 PERMIT PLACE
NEW PORT RICHEY, FLORIDA 34655

GERALD A. FIGURSKI, P.A.
J. BEN HARRILL, P.A.

TELEPHONE: (727) 942-0733
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October 21, 2009

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, FL 33782

Mr. Richard Gehring
Growth Management Director
Pasco County Development Services
7530 Little Road
New Port Richey, Florida 34654

Re: New River Development of Regional Impact – DRI No. 210

Dear Messrs. Meyer and Gehring:

As you already know, the 2009 Growth Management Bill (Senate Bill 360) approved earlier this year by the Florida Legislature and signed by Governor Crist authorized a two (2) year extension for all buildout dates for certain developments of regional impact. This extension was in addition to the three year extension previously authorized under the 2007 amendment to Section 380.06(19)(c), Florida Statutes.

More specifically, the language of Senate Bill 360 included the following language relating to developments of regional impact expiration dates:

*(1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. **The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06(19)(c), Florida Statutes.** This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.*

Mr. John Meyer
Mr. Richard Gehring
October 21, 2009
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(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

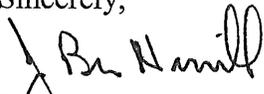
This letter is written to inform Pasco County and the Tampa Bay Regional Planning Council that the New River DRI, which was under active construction as of July 1, 2007, is requesting the extension of all applicable buildout dates and completion dates for required mitigation in accordance with the authorization set forth above. New River intends to utilize the extension for the specific purpose and authorization to complete the development and construction of specifically approved Phase I entitlements in accordance with the terms and authorization set forth in the Development Order for the New River Development of Regional Impact. It is anticipated this work will be completed within the allotted timeframe for the extension.

As a result, it is our understanding the buildout date for Phase I of the New River DRI will now be extended from December 31, 2011 to December 31, 2013. We also understand a similar two year extension is equally applicable to all other phases and to any mitigation completion dates and the expiration date of the DRI and that those dates would also be extended accordingly. It is our further understanding that all these extensions will take effect by operation of law and no further action, such as the filing of an NOPC, is required on the part of New River to implement the changes. In the event our understanding concerning the extension is not correct please advise at your earliest convenience. You may also wish to note the New River DRI is in the process of filing requests with Pasco County for extensions of all applicable local development orders and concurrency determinations.

Mr. John Meyer
Mr. Richard Gehring
October 21, 2009
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As always our client appreciates the continuing cooperation of Pasco County and the Tampa Bay Regional Planning Council in this matter and should you have any questions or concerns with our client's request as set forth above please do not hesitate to contact me.

Sincerely,



J. Ben Harrill

JBH/lc

cc: John J. Gallagher, County Administrator
David Goldstein, Chief Assistant County Attorney
Eric Marks, New River Development

#210

FIGURSKI & HARRILL

ATTORNEYS AT LAW

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July 23, 2007

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, FL 33782

Mr. Michael LaSala
DRI Coordinator
Pasco County Development Services
7530 Little Road
New Port Richey, Florida 34654

Re: New River of Regional Impact - DRI No. 210

Dear Messrs. LaSala and Meyer:

As I am sure you already know, the 2007 Growth Management Bill (HB 7203) recently approved by the Florida Legislature and signed by Governor Crist amended Section 380.06 (19) (c), Florida Statutes to authorize a three year extension for all phase, buildout and expiration dates of any development of regional impact under active construction as of July 1, 2007.

More specifically, Section 380.06(19)(c), Florida Statutes, was amended to include the following language:

In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

This letter is written to inform Pasco County and the Tampa Bay Regional Planning Council that the New River DRI was under active construction as of July 1, 2007 and that such construction has been ongoing and continuous since well before that date to the date of this correspondence. As a result, it is our understanding the buildout date for Phase I of the New River DRI is

John Meyer
Michael LaSala
July 23, 2007

extended from December 31, 2008 to December 31, 2011. We also understand a similar three year extension is equally applicable to Phase II and Phase III of the DRI and the buildout date for the entire New River DRI is now extended from December 31, 2022 to December 31, 2025.

It is our further understanding that all these extensions have taken effect by operation of law and no further action, such as the filing of an NOPC, is required on the part of New River to implement the changes. It should also be noted that Section IV.B.2 of the current Development Order provides, in pertinent part, that "any delay in the build-out date of the project beyond December 31, 2022, or any delay in the Phase I buildout date beyond December 31, 2008 shall require a new transportation analysis in accordance with Section 380.06, F.S., as the basis for a DO amendment, which may include additional roadway improvements." However, since the language of HB 7203 clearly states the statutory extensions are not subject to further development-of-regional impact review it is our understanding the law requires no new analysis under Section 380.06, F.S.

We also understand there are ongoing discussions taking place throughout the State as to whether the legislature intended the statutory extensions be subject to any further mitigation requirements; however, the ultimate resolution of the issue should not affect New River since existing DRI's whose phase dates have not expired continue to be exempt from the County's Concurrency Management Ordinance pursuant to Section 402.6 C. of the Pasco County Land Development Code. Thus, no additional local concurrency requirements should be applicable through the new buildout date for Phase I, December 31, 2011.

As always our client appreciates the continuing cooperation of Pasco County and the Tampa Bay Regional Planning Council in this matter and should you have any questions or concerns with the information set forth above please do not hesitate to contact me.

Sincerely,



J. Ben Harrill

JBH/lc

cc: John J. Gallagher, County Administrator
David Goldstein, Assistant County Attorney
Distribution List Attached

DISTRIBUTION LIST
NEW RIVER NOPC

Mr. Michael LaSala
DRI Coordinator
Pasco County Development Services
7530 Little Road
New Port Richey, Florida 34654

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, FL 33782

Ms. Brenda Winningham
Regional Program Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

Mr. Kent Fast
DRI Coordinator
Florida Department of Transportation
District 7
11021 N. McKinley Drive
Tampa, Florida 33612

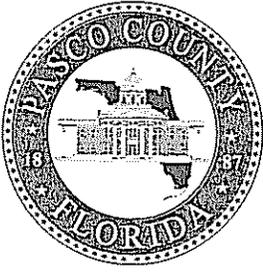
Florida Department of Transportation
c/o Domingo Noriega
URS
7650 Courtney Campbell Causeway
Tampa, Florida 33607-1462

Brenda Williams, DRI Coordinator
Florida Department of Environmental Protection
13051 N. Telecom Parkway
Temple Terrace, Florida 33637

Roy Chapman
Florida Design Consultants
3030 Starkey Blvd.
New Port Richey, FL 34655

Beat M. Kahli
New River Partners
Avalon Park
13001 Founders Square
Orlando, FL 32828

Neil Frazee
Miller, Sellen, Conner & Walsh
4750 New Broad Street
Orlando, FL 32814



PASCO COUNTY, FLORIDA

FAX (727) 847-8084
 DADE CITY (352) 521-4274
 LAND O' LAKES (813) 996-7341
 NEW PORT RICHEY (727) 847-8193

GROWTH MANAGEMENT DEPARTMENT
 WEST PASCO GOVERNMENT CENTER
 7530 LITTLE ROAD, SUITE 320
 NEW PORT RICHEY, FL 34654-5598

CERTIFIED MAIL
 RETURN RECEIPT REQUESTED

December 18, 2003

Mr. John Meyer, DRI Coordinator
 Tampa Bay Regional Planning Council
 9455 Koger Boulevard
 St. Petersburg, FL 33702-2491

RE: New River - DRI No. 210, DO Amendment

Dear Mr. Meyer:

Enclosed please find a certified copy of the New River Development of Regional Impact (DRI) No. 210, Development Order (DO) Amendment (Resolution No. 04-43), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. This DO amendment was approved by the Pasco County Board of County Commissioners on November 18, 2003.

Sincerely,

Kathleen H. Teague
 Planner II

KHT/ltr/ndri210/67a(1)

Enclosure

cc: Samuel P. Steffey II, Growth Management Administrator
 File

**NEW RIVER DEVELOPMENT OF REGIONAL IMPACT/
DEVELOPMENT ORDER AMENDMENT**

RESOLUTION AMENDING RESOLUTION NO. 92-98 AS AMENDED, BY EXTENDING THE BUILD-OUT DATES FOR PHASES I, II, AND III BY FIVE (5) YEARS EACH; EXTENDING THE DURATION DATE OF THE DEVELOPMENT ORDER BY SEVEN (7) YEARS; REDUCING RESIDENTIAL AND COMMERCIAL DEVELOPMENT IN PHASE I WITH A CORRESPONDING INCREASE OF RESIDENTIAL AND COMMERCIAL IN PHASE II; INCREASING OFFICE DEVELOPMENT IN PHASE I WITH A CORRESPONDING DECREASE OF OFFICE DEVELOPMENT IN PHASE II; ELIMINATING THE REQUIREMENT FOR A SPECIFIC PERCENTAGE OF RETIREMENT UNITS; AUTHORIZING PHASE I DEVELOPMENT IN ALL AREAS OF THE PROJECT; SPECIFICALLY APPROVING THE REVISED PHASE I ENTITLEMENTS; AND, PROVIDING FOR THE APPROVAL OF A REVISED MAP "H."

WHEREAS, on January 7, 1992, the Pasco County Board of County Commissioners adopted Resolution No. 92-98 as amended, a Development of Regional Impact (DRI)/development order (DO) approving, with conditions, the New River DRI; and,

WHEREAS, on March 24, 1992, the Pasco County Board of County Commissioners adopted an amended Resolution No. 92-205, which, in response to an appeal filed by the Florida Department of Community Affairs (FDCA), adopted a DO approving, with amended conditions, the New River DRI; and,

WHEREAS, on June 15, 1993, the Board of County Commissioners adopted Resolution No. 93-265, which extended the build-out dates for each of the three (3) phases of the development by three (3) years and extended the commencement date for development to five (5) years; and,

WHEREAS, on May 18, 1999, the Board of County Commissioners adopted Resolution No. 99-184, which extended the build-out dates for each of the three (3) phases in the development by three (3) years, eleven (11) months and fifteen (15) days and further adjusted certain transportation obligations of the developer; and,

WHEREAS, on November 14, 2000, the Board of County Commissioners adopted Pasco County Resolution No. 01-056 which provided for an exchange in location between certain previously approved commercial with previously approved multifamily development without any increase in density or change in phasing and for the purpose of identifying past changes to Map "H" which had previously occurred through the County's zoning process; and,

WHEREAS, on February 21, 2002, New River Partners, Ltd., filed a Notification Requesting a Change to an Approved DO, pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, the Notice of Proposed Change requested a five (5) year extension of the build-out dates for Phases I, II, and III of the development, requested a reduction in the amount of development allowed in Phase I and specific approval of the revised Phase I entitlements, requested an elimination of any mandatory

requirement for retirement units, and requested authorization for Phase I development to occur in all parcels of the project; and,

WHEREAS, the Pasco County Board of County Commissioners makes the following findings of facts:

1. Resolution No. 92-98 as amended, allowed development of 4,800 residential units and office development totaling 120,000 square feet of gross floor area, plus 560,000 square feet of gross floor area of wholesale, retail, and service development, with specific approval of the Phase I entitlements and specific concurrency approval of 440 dwelling units.
2. New River Partners, Ltd., has filed a Notification of Proposed Change to a Previously Approved DRI DO on FDCA Form RPM-BSP-PROPOCHNGE-1.
3. The developer has submitted the Request for Approval of a Proposed Change simultaneously to the Pasco County Growth Management Department, the Tampa Bay Regional Planning Council, and FDCA.
4. The proposed change would extend the build-out dates for Phases I, II, and III of the development by five (5) years each and would extend the duration of DO by an additional seven (7) years.
5. The proposed change would reduce the residential development in Phase I by 972 units and the commercial development by 100,000 gross square feet and the residential and commercial development in Phase II would be increased by like quantities.
6. The proposed change would increase the office development in Phase I by 70,000 gross square feet and reduce office development in Phase II by an identical amount.
7. The proposed change would eliminate the current requirement that forty (40) percent of the residential units be designated as retirement units and would further eliminate any other requirement for a specified percentage of retirement units in the development.
8. The proposed change would allow Phase I development to occur within all areas of the development and amend Map "H" to delete reference to separate "Parcels."
9. The proposed change would specifically approve the revised Phase I entitlements through December 31, 2008.
10. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of the said DRI in accordance with Section 380.06, Florida Statutes (F.S.).
11. The Pasco County Board of County Commissioners has considered the above-referenced request at a public hearing on November 18, 2003.
12. The Board of County Commissioners has received and considered the recommendations of the Pasco County Development Services Branch Administration.

NOW, THEREFORE, BE IT RESOLVED by the Pasco County Board of County Commissioners, Florida, in regular session duly assembled that:

1. The above-referenced proposed changes to the New River DRI are presumed to be a substantial deviation, but the developer has submitted sufficient information to rebut that presumption; and, therefore, the development does not require further DRI review pursuant to Chapter 380.06(19), F.S., as amended.

2. Section III.D.2 of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for ~~twenty-two (22)~~twenty-nine (29) years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the approval of DO have occurred, or that DO was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

3. Table 1 of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

Land Use	PHASE					Total
	Phase 1		Phase II		Phase III	
	(2003)	(2008)	(2008)	(2013)	(2015) (2020)	
Residential	2,522	1,550	2,278		972	4,800
(Dwelling Units)						
(Single-Family)	(2,069)	(1,250)	(1,835)	(1,178)	(390)	(2,818)
(Multifamily)	(453)	(300)	(443)	(1,100)	(582)	(1,982)
	(896)					
Retirement Units	(683)		(1,237)			(1,920)
Retail	150,000	50,000	100,000	200,000	310,000	560,000
(GFA SF)						
(Acres)	(16.9)	(6.9)	(10.0)	(20.0)	(25.3)	(52.2)
(Parking Space)	(750)	(250)	(500)	(1,000)	(1,550)	(2,800)
Office	50,000	120,000	70,000	0	0	120,000
(GFA SF)						
(Acres)	(4.7)	(11.2)	6.5	0	0	(11.2)
Golf/Racquet Club	30,000		0		0	30,000
(GFA-SF)						
Club House	10,000		0		0	10,000
(GFA-SF)						
Golf Course	135		0		0	135
(Acres)						

4. Section IV.B.2 of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

The duration of DO shall be for a period of ~~twenty-two (22)~~twenty-nine (29) years from its effective date. The effective period may be extended by the Board of County Commissioners upon a showing of good cause and as provided by statute. Application for such extension shall be made at least sixty (60) days prior to the expiration date. The build-out date of the entire project shall be as of December 31, 2022. Any delay in the build-out date of the project beyond December 31, 2022, or any delay in the Phase I Build-Out date beyond December 31, 2008, shall require a new transportation analysis in accordance with Chapter 380.06, F.S., as the basis for a DO amendment which may include additional roadway improvements.

5. Section V.N of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

1. Approval - Specific approval is provided for Phase I of New River as defined herein. Phases II and III of New River are subject to review pursuant to Chapter 380, F.S., as amended, for the transportation impacts of each phase and shall require review and approval of an Application For Development Approval (ADA) through a DO amendment to establish the conditions for mitigating these impacts. The following conditions are established for purposes of mitigating Phase I impacts. Issuance of development permits by the County for the project shall require a determination by the County of compliance with the conditions set forth herein.

a. For the purposes of this order, funding commitments shall be defined as placement of construction monies for the improvements in the adopted Five-Year Capital Improvement Element of the Pasco County Comprehensive Plan or the adopted Florida Department of Transportation (FDOT) Five-Year Work Program, provided that the required transportation facility is scheduled to be commenced within the first three (3) years. Any other funding commitments can be in the form of enforceable developer's agreements; however, in all such cases, the necessary improvements shall be in place when the impacts of development occur.

b. Phase I development is described as follows:

PHASE I SPECIFIC APPROVAL

<u>Land Use</u>	<u>Size</u>
Single-Family	1250 640 d.u.
Multifamily	300 120 d.u.
Racquet Club	10,000 s.f.
Office	120,000 50,000 s.f.
Retail	50,000 125,000 s.f.

PARCEL TWO - RETIREMENT (CLUB)

<u>Land Use</u>	<u>Size</u>
Single-Family	550 d.u.
Multifamily	133 d.u.

Golf Course	135 ac.
Golf/Racquet Club	20,000 s.f.

PARCEL THREE (OAKS)

<u>Land Use</u>	<u>Size</u>
Single-Family	909 d.u.
Multifamily	200 d.u.
Clubhouse	10,000 s.f.
Retail	25,000 s.f.

c. The developer may proceed with the development anywhere within Phase I, or a subphase thereof under the conditions set forth below.

d. Pasco County shall design, permit, and construct a two (2) lane east-west roadway, including related intersection improvements, bike path, drainage, and mitigation from S.R. 54 to Eiland Boulevard, except that area approximately one-quarter to one-half mile from either side of the intersection with New River Boulevard shall be initially designed and permitted by the County as a four (4) lane facility. The developer shall donate to the County within sixty (60) days of the County's written request that portion of the needed right-of-way, up to 200 feet in width for the rural section and approximately 148 feet in width for the urban section, which is located within the boundaries of the New River development. The right-of-way for the project shall be sufficient for the construction of a two (2) or four (4) lane section, including bike paths and sidewalks, with the ability to ultimately expand the roadway to a six (6) lane facility. Additionally, New River shall donate all necessary drainage, flood plain, and wetland mitigation area for six (6) lanes within New River. The developer will not be entitled to impact fee credits for the said right-of-way donation.

The roadway shall be designed and permitted as a two (2) lane section (except within the one-quarter to one-half mile limits of New River Boulevard as discussed above where it will be designed and permitted as a four [4] lane facility) with the ability to expand up to six (6) lanes in the future without the need for significant additional drainage improvements.

The County may change any requirements with respect to the Zephyrhills Bypass West Extension; if adequate funding is not available, the County is unable to obtain all applicable permits, approvals or right-of-way for the roadway, or other events beyond the County's control, prevent, delay, or require a change to design, permitting, right-of-way acquisition, or construction for the roadway.

e. The developer shall further provide sufficient right of way up to of 120 feet in width for the construction of a roadway running in a north-south direction in the central portion of its project which would connect the existing S.R. 54 with the Zephyrhills Bypass West. The developer will construct New River Boulevard for the purpose of providing a north-south link with the major roads within the planned County and State Road systems. The developer agrees to

design, permit, and construct a two (2) lane urban section north-south roadway, including related intersection improvements, sidewalk, bike path, signal light, and all necessary drainage, flood plain, and wetland mitigation from S.R. 54 to the Zephyrhills Bypass West with right-of-way extending to the development's northern property line. The ultimate design of the said roadway shall be approved by the County's Development Review Committee at the time preliminary plans for that part of the project containing a portion of the proposed roadway are approved by the County. The right-of-way for the project shall be sufficient for the ultimate construction of a four (4) lane, urban section with the developer donating 120 feet of right-of-way for the road, plus right-of-way for drainage, flood plain, and mitigation. The developer agrees to provide the right-of-way for the road construction within sixty (60) days of the County's written request or upon platting of adjoining land (whichever is sooner), to be performed by the developer in a timely manner based upon the design approved by the County and including 120 feet of right-of-way from the intersection with Zephyrhills Bypass West Extension to the northern property line of the New River development. Construction of New River Boulevard north of Zephyrhills Bypass West Extension to the development's northern property line shall commence when the first adjoining lots are subdivided. Additionally, upon completion of the Zephyrhills Bypass West Extension, if the County requests the developer to extend New River Boulevard to the north as part of a County project, the developer shall commence construction of that portion of New River Boulevard between the Zephyrhills Bypass West Extension and the northern boundary of the project within one (1) year of the receipt of the County's written request. The developer will not receive any impact fee credits for this right-of-way donation or the construction of the first two (2) lanes of the roadway. The developer shall complete construction of New River Boulevard from S.R. 54 to the Zephyrhills Bypass West within twelve (12) months of the time in which the County completes construction of the Zephyrhills Bypass West Extension or as necessary to serve the New River development, whichever occurs first.

f. Access Management: At a minimum, the applicant/developer shall be responsible for construction of the access improvements for the project as described in Table A below which improvements shall generally be as shown on Map H, attached hereto as subject to compliance with FDOT and Pasco County access-management regulations. These improvements are not eligible for transportation impact fee credits~~In no case shall the subphases exceed the impacts identified in the ADA for Phase I of the development (2,392 PM peak-hour external trips). The DRI traffic analysis, which is consistent with the requirements of Chapter 380.06, Florida Statutes, provides an acceptable "detailed analysis" pursuant to the Pasco County Comprehensive Plan and compliance with said analysis findings ensures Level of Service compliance for regional roadways.~~

Table A

Required Improvements

<u>Location</u>	<u>Total Traffic LOS Prior to Improvement</u>	<u>Required Improvement</u>
<u>S.R. 54 at New River Boulevard</u>	<u>F</u>	<u>Construct eastbound, left-turn lane; westbound, right-turn lane; southbound, left-turn and right-turn lanes, and signalize when warranted by MUTCD.</u>
<u>S.R. 54 at Riverside Crossing</u>	<u>F</u>	<u>Construct eastbound, left-turn lane; westbound, right-turn lane; southbound, left-turn and right-turn lanes, and signalize when warranted by MUTCD.</u>
<u>S.R. 54 at Riverside Crossing Retail Entrance</u>	<u>F</u>	<u>Construct eastbound, left-turn lane; westbound, right-turn lane; southbound, left-turn and right-turn lanes, and signalize when warranted by MUTCD.</u>
<u>New River Boulevard at the South Entrance</u>	<u>F</u>	<u>Construct northbound, left-turn lane.</u>
<u>New River South Drive at the Middle Entrance</u>	<u>F</u>	<u>Construct northbound and southbound, left-turn lanes.</u>
<u>New River South Drive at the North Entrance</u>	<u>F</u>	<u>Construct northbound, left-turn lane.</u>

Development within Phase I of the project shall be exempt from the Pasco County Concurrency Management System until December 31, 2008.

g. Traffic Monitoring

1. The total driveway trips of Phase I development shall not be allowed to exceed 918 in-bound and 776 out-bound, p.m. peak-hour trips, for a total of 1,694 p.m. peak-hour trips.

Prior to preliminary plan/plat approval of fifty (50) percent of the Phase I entitlements (including the already built portion), the developer shall institute a monitoring program to verify the total allowable trips as specified above are not exceeded. The monitoring program shall be in accordance with the following:

a. Each preliminary/site plan and DRI Annual Report shall summarize the cumulative development quantities, including the counted number of p.m. peak-hour, driveway, in-bound and out-bound trips for the already built portion of the development and the estimated driveway, p.m. peak-hour, in-bound and out-bound trips to be generated by the proposed preliminary/site plan using the latest Institute of Transportation Engineers trip generator rates or rates as approved by Pasco County.

b. If the monitoring reports indicate that the allowable trips are exceeded by more than fifteen (15) percent, Pasco County shall conduct a substantial deviation determination and may amend DO to change or require additional roadway

improvements. ~~Prior to proceeding with any phase or subphase in excess of the 440 units or equivalent identified above, the developer shall submit to the County, the State, and TBRPC pursuant to Section 380.06, Florida Statutes, updated traffic counts on the affected regional roadways listed in Table 2, which do not have commitments for required transportation improvements. The developer shall further submit projections of traffic volumes that will include the currently approved project development, plus the volumes to be generated by the next portion of development for which the developer is seeking approval and future background traffic. At the time of submission, the developer shall confirm that sufficient roadway capacity exists on affected roadways. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities at or above peak hour LOS standard. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices and the original ADA. Upon obtaining written recommendation from Tampa Bay Regional Planning Council staff, and prior to any specific preliminary or site plan approval for units in excess of the 440 herein authorized, Pasco County or its designee shall ensure in written findings of fact that the roadways are operating at or above the peak hour level of service standard set forth in Table 2., and that the expected trips to be generated by such approval would not cause the roadways to operate below the average daily level of service as set forth herein.~~

TABLE 2

REGIONAL ROADWAYS

~~I-75 (S.R. 93), U.S. 301, (S.R. 41), U.S. 98, (S.R. 35), U.S. 41 (S.R. 45), U.S. 19 (S.R. 55), S.R. 52, S.R. 54, C.R. 54, S.R. 39, C.R. 471, C.R. 579, C.R. 578, C.R. 577, C.R. 581, C.R. 35A, Chancey Road, S.R. 471, C.R. 595, C.R. 587, C.R. 583, S.R. 597, Little Road (C.R. 1), Alternate U.S. 19 (S.R. 595). (This list is established based upon the Regional Roadway Map as approved by the TBRPC.)~~

~~(2) Local Roadways Level of Service Compliance for nonregional (local) roadways shall be required in accordance with Pasco County's Concurrency Management System. Any Certificate of Level of Service Compliance shall be consistent with the terms of this DO.~~

6. Section V.O.1 of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

O. Educational Facilities

1. In order to address the educational needs of its residents as well as the educational needs of the general public New River agrees that it shall dedicate at no cost to the District School Board of Pasco County (District) a twenty (20) acre elementary school site in the location identified on Map H, adjacent to New River Boulevard. The site shall be a minimum of fifteen

(15) upland, buildable acres of suitable size and location to the District. The site shall be collocated with the adjacent park upland area in such a manner as to allow co-use of recreational amenities. New River agrees to enter into an agreement with the District allowing joint use of the shared recreational facilities. Additionally, the remaining five (5) acres may be co-used for drainage/stormwater for the school, park, and New River Boulevard. The developer or its assigns shall be responsible for the maintenance and landscaping of any such drainage/stormwater facility~~The developer shall be obligated within a period of five (5) years from the date of approval of this DO to perform one (1) of the following requirements:~~

a. ~~— The developer shall contribute a fifteen (15) acre site to be located within NEW RIVER with adequate infrastructure (roadway, utilities) that is suitable and acceptable to the District School Board of Pasco County, for the purposes of locating an elementary school; or~~

b. ~~— The developer shall pay to the District School Board of Pasco County the sum of \$57,433.00 (Fifty Seven Thousand, Four Hundred Thirty Three and 00/100 Dollars), which amount is to be used toward the purchase of an elementary school site to service the NEW RIVER project.~~

~~The developer shall receive credit for the above contribution against any future education impact fees.~~

2. In the event construction of a public school has actually commenced upon the site conveyed by New River within three (3) years from the date of this agreement, then New River would not be entitled to impact fee credits for school impact fees that may be levied against New River. In the event such construction has not commenced with said three (3) year period, then New River shall be entitled to impact fee credits for the value of the school site in accordance with the provisions of the Pasco County School Impact Fee Ordinance.

3. New River, upon entering into an appropriate agreement with the District, may elect to construct a school on the conveyed property and finance the costs of such construction through the issuance of bonds, debentures, certificates of participation, or other appropriate indebtedness.

4. In the event New River should elect to provide some or all of the funding for the school construction hereunder then New River might qualify for an offset against the school impact fee due pursuant to Section 3.04 of the School Impact Fee Ordinance.

5. In the event New River and the District agree that New River will actually construct capital improvements to the school site, New River might qualify for an offset against the school impact fee due pursuant to Section 3.04 of the School Impact Fee Ordinance.

6. At its option, the County will cooperate with New River and the District in implementing the provisions of any joint agreement between New River and the District for

the construction of a public school, including assistance in implementing any necessary pledge of school impact fees required to secure the indebtedness issued for such construction.

7. Section V.O.2 of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

~~Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designated, and developed as an adult community, pursuant to the assumptions of the ADA and Section 760.29, Florida Statutes. The developer shall comply with all Federal and State statutes in establishing any deed-restricted, adult communities.~~

8. Section V.P.1 through V.P.6. of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

P. Recreation and Open Space

1. New River agrees that it shall eliminate the golf course which is presently proposed for the development and replace it with active and passive recreation areas, open for use by the general public and the residents of New River, open space, wildlife habitat areas, and conservation areas~~Development of NEW RIVER shall not lower delivery of parks and recreation services below the acceptable Levels of Service established in the Pasco County Comprehensive Plan.~~

2. These combined recreation, wildlife habitat, open space, and conservation areas shall be comprised of approximately 205 total acres for both passive and active recreation as well as stormwater retention, compensation storage, floodplain management, upland/wildlife habitat, and wetland mitigation located within the New River development in the general area as depicted on Map H, attached hereto and incorporated herein.

At the time of preliminary plan approval, the developer shall be required to specify the exact locations of the various designations (active/passive recreation areas, stormwater retention, compensation storage, floodplain management, open space, upland/wildlife habitat areas, wetland mitigation, and conservation areas). Approximately fifty (50) percent of the 205 acres shall be upland and conservation areas, unless otherwise determined at time of preliminary plan approval.

Designation and/or acceptance of these properties as active/passive recreation areas, open space, upland/wildlife habitat areas, wetland mitigation, and conservation areas shall be at the sole discretion of the County, and once designated, shall remain as such in perpetuity~~The developer shall either donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in-lieu-fee payments to mitigate for NEW RIVER parkland impacts. Land donation and/or fee payments for the proposed number of residential units shall be made at the rate of one (1)~~

~~acre per 100 units or \$100.00 (One Hundred Dollars and 00/100) per unit. Any park sites so donated shall include a minimum of twenty (20) acres and shall consist entirely of non-jurisdictional upland areas. Land donations shall occur prior to the first project record plat approval or, if no record plat is required, prior to the issuance of the first project building permit. Park location shall be mutually agreed upon by the Pasco County Parks and Recreation Department and the developer. Fees in lieu of donation shall be paid at the time of record plat approval or, if no record plat is required, at the time of the first building permit issuance. The developer shall also provide to the County a \$50.00 (Fifty Dollars and 00/100) per unit (unless modified by Ordinance) Park Service Fee, prior to the first record plat approval for each increment or where no record plat is required, prior to the first building permit for each increment.~~

3. The park area may be conveyed by New River to a nonprofit corporation formed by New River specifically for the purpose of managing and operating the recreation area and facilities constructed thereon for the benefit of the public and the residents of New River~~Public park and recreational facilities shall be accessible to the elderly, handicapped, and economically disadvantaged as required by law.~~

4. The nonprofit corporation may transfer ownership of all or a part of the recreation area and improvements to the County (acceptance of which shall be at the sole discretion of the County) or other nonprofit recreation providers on such terms and conditions as the corporation deems appropriate and provided the property and improvements transferred will continue to be made available to the public and citizens of New River for recreational purposes. Additionally, the recreation area, or parts thereof, may also be conveyed to the County by the corporation in the event the County agrees to fund a capital improvement program and maintenance plan for the recreation area and provided the said plan is approved by New River~~Prior to commencement of construction of any phase or subphase, the entity(ies) responsible for the maintenance of all recreational and open space areas within that phase or subphase shall be identified. Changes of the responsible entities shall be subject to the approval of Pasco County. Responsible entity(ies) identified shall be stated in the first Annual Report following each phase or subphase approval.~~

5. The County and/or New River may enter into an agreement with the nonprofit corporation for the construction of certain park improvements within the recreation area and the said agreement may provide for phased construction of park improvements over a period of years~~Prior to construction permits being issued to the developer for any phase or subphase which contains any public or private parks, open space, or golf courses designated by the developer on the Master Development Plan, those open space uses shall be restricted to remain as an active or passive recreational open space amenity.~~

6. As a result of the donation of the public park property set forth herein, New River would not be entitled to impact fee credits against any and all Pasco County Parks and Recreation Impact Fees which may be levied against the New River, now or in the future However, ~~New River shall be entitled to claim credit for both the active and passive recreation areas under the County's Neighborhood Park Ordinance. All golf cart and pedestrian golf course ways shall incorporate bridges to cross wetlands in a manner so as to maintain the desired wetland hydroperiod and flow.~~

7. New River may utilize conservation easement areas and open space within the development not otherwise designated as active recreation lands for the creation of wetland mitigation, upland preserves, storm management, floodplain management, wildlife habitat, and other similar activities.

8. The developer will prepare an Environmental Management Plan (EMP) which addresses maintenance and monitoring procedures for neighborhood parks, upland conservation areas, wildlife habitat, and preservation areas. This plan shall be reviewed and approved by the County and shall be submitted at the time of preliminary plan approval for Phase II construction. EMP shall incorporate by reference permits obtained by the developer from one or more of the Southwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service. EMP shall set forth the organization and operational protocols to be employed in the management of the open space, including without limitation, the ecological resources and common areas, including the golf courses located within New River. Site-development-related activities shall be undertaken in conformity with EMP and such site development activities shall not result in the endangerment of species classified as Endangered, Threatened, or a Species of Special Concern by either State or Federal government in contravention of applicable State or Federal laws, and all uplands and related wildlife habitat shall be protected in accordance with policies established in Objective 2.8 of the Conservation Element adopted as part of the Comprehensive Plan. Further, EMP shall provide that all wetlands shall be protected in accordance with policies established in the Comprehensive Plan.

9. Section V. R. 2 of Pasco County Resolution No. 92-98 as amended, is hereby amended as follows:

The developer shall comply with all Federal and State statutes in establishing any deed-restricted adult communities ~~All golf cart and pedestrian golf course ways shall incorporate bridges to cross wetlands in a manner so as to maintain the desired wetland hydroperiod and flow.~~

10. The proposed change to the New River DRI is approved and Resolution No. 92-98 is hereby amended by incorporating the revised Map "H," attached hereto, as the current master plan for the New River DRI.

DONE AND RESOLVED this 18th day of November, 2003.

(SEAL)

ATTEST



JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA

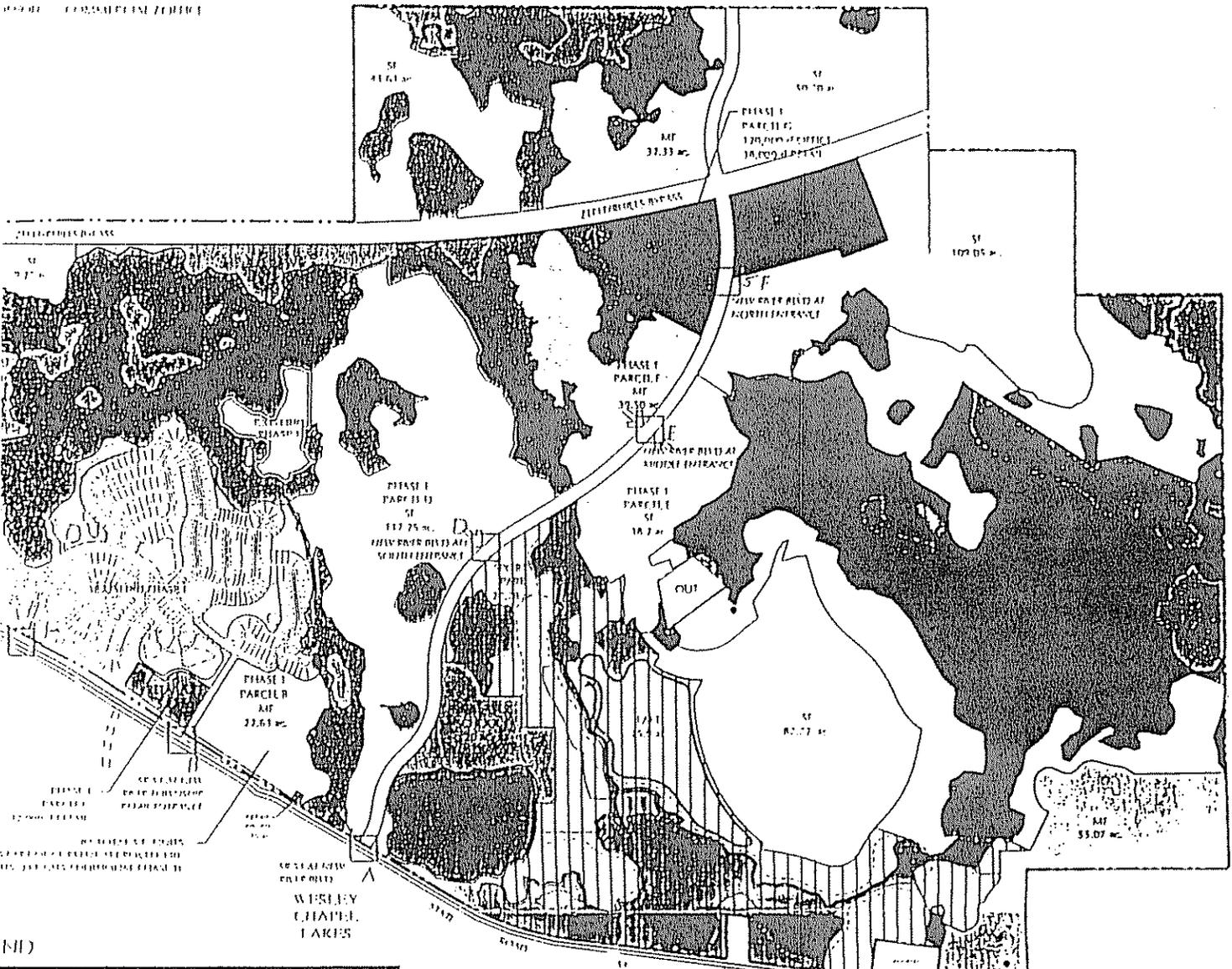
PETER A. ALTMAN, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the Pasco County Attorney

ATTORNEY

LAND USE CODE

- 11 SINGLE FAMILY RESIDENTIAL
- 12 DUAL FAMILY RESIDENTIAL
- 20 COMMERCIAL OFFICE



REQUIREMENTS FROM APPROPRIATE REGULATORY AGENCIES FOR PHASE I DEVELOPMENT CORNER

WATER QUALITY

SINGLE FAMILY RESIDENTIAL	45.11 acres
DUAL FAMILY RESIDENTIAL	1.95 acres
PHASE I OFFICE	52.4 acres
DEVELOPED PAVING THROUGH	20.0 acres
WATERBODIES	558.01 acres
OFFICE SPACE	2,127,150 sq ft
OFFICE DEVELOPMENT	1,255.50 acres
PHASE II DEVELOPMENT	1,217.05 acres
PHASE III DEVELOPMENT	68.69 acres
TOTAL	1,796.06 acres

NOTES:

1. All Land Use Codes indicate Planned, Existing, or Other Type of Use. Phase I Only (Group 1) and Phase II Only (Group 2) are indicated.
2. Development Phase I and II are approximate and intended to represent typical area and proposed wetland encroachment area indicated.
3. Wetland Bound Line Edge of Primary Channel Location is approximate.

Land Use	DEVELOPMENT PROGRAM			Total
	Phase I (2010)	Phase II (2015)	Phase III (2020)	
Residential	15.50	27.70	97.2	140.40
Single Family	12.50	11.70	0.30	24.50
Dual Family	3.00	16.00	96.90	115.90
Office	52.40	280.00	110.00	542.40
Office (Phase I)	52.40	0.00	0.00	52.40
Office (Phase II)	0.00	280.00	0.00	280.00
Office (Phase III)	0.00	0.00	110.00	110.00
Office Space	2,127,150	2,100,000	0.00	4,227,150
Office Space (Phase I)	2,127,150	0.00	0.00	2,127,150
Office Space (Phase II)	0.00	2,100,000	0.00	2,100,000
Office Space (Phase III)	0.00	0.00	0.00	0.00
Office Space (Total)	2,127,150	2,100,000	0.00	4,227,150

NOTES:

1. Total land includes 1,796.06 acres, including 1,796.06 acres of water bodies.

REVISED MAP II
MASTER DEVELOPMENT PLAN

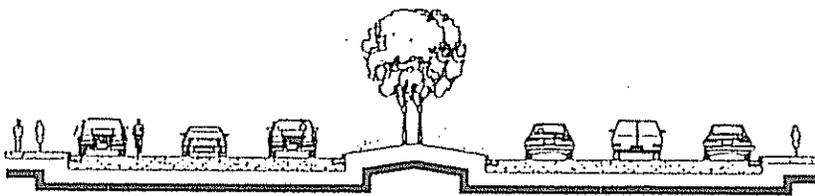
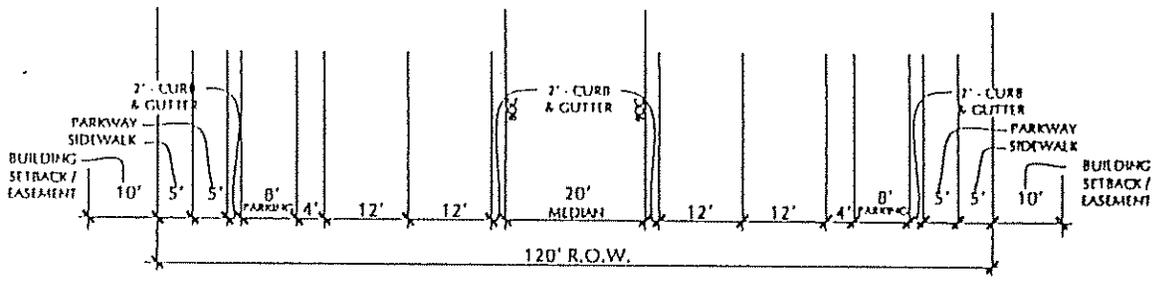
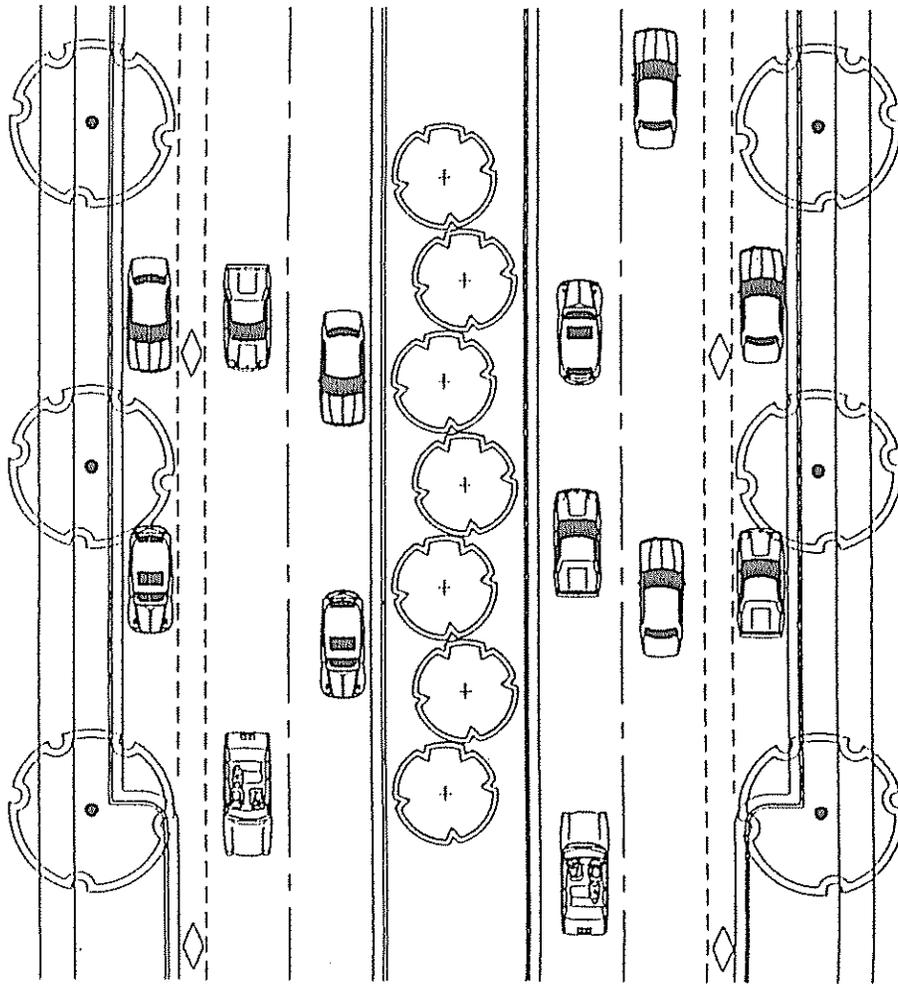
NEW RIVER

NEW RIVER PARTNERS, LTD., 11001 FOUNDERS SQUARE, ORLANDO, FLORIDA, 32828



MILLER SMITH CONNOR & WALSH

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NOTE: ON STREET PARKING SHALL BE PROVIDED WITHIN THE GRABES OF NEW RIVER CENTER.

EXHIBIT B
NEW RIVER BOULEVARD CROSS-SECTION

NEW RIVER

NEW RIVER PARTNERS, LTD., 13001 FOUNDERS SQUARE, ORLANDO, FLORIDA, 32828



MILLER SELLEN CONNER & WALSH

Community Planner, Designer & Engineer, 3141 Lurline Circle, Orlando, Florida 32803 Telephone (407) 312-1100 Fax (407) 312-3120 Email msc@mscw.com

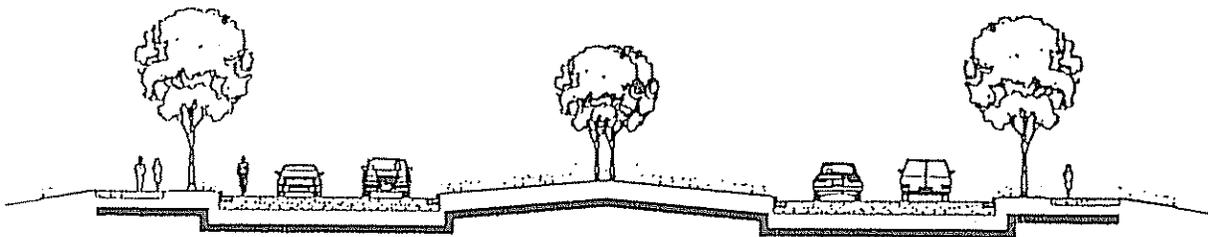
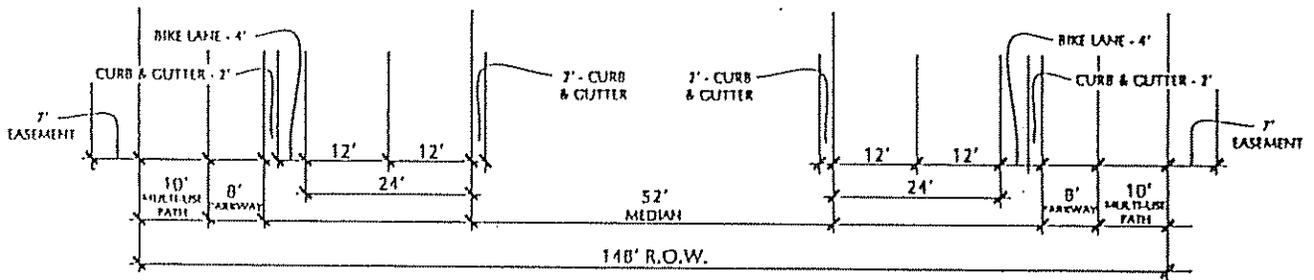
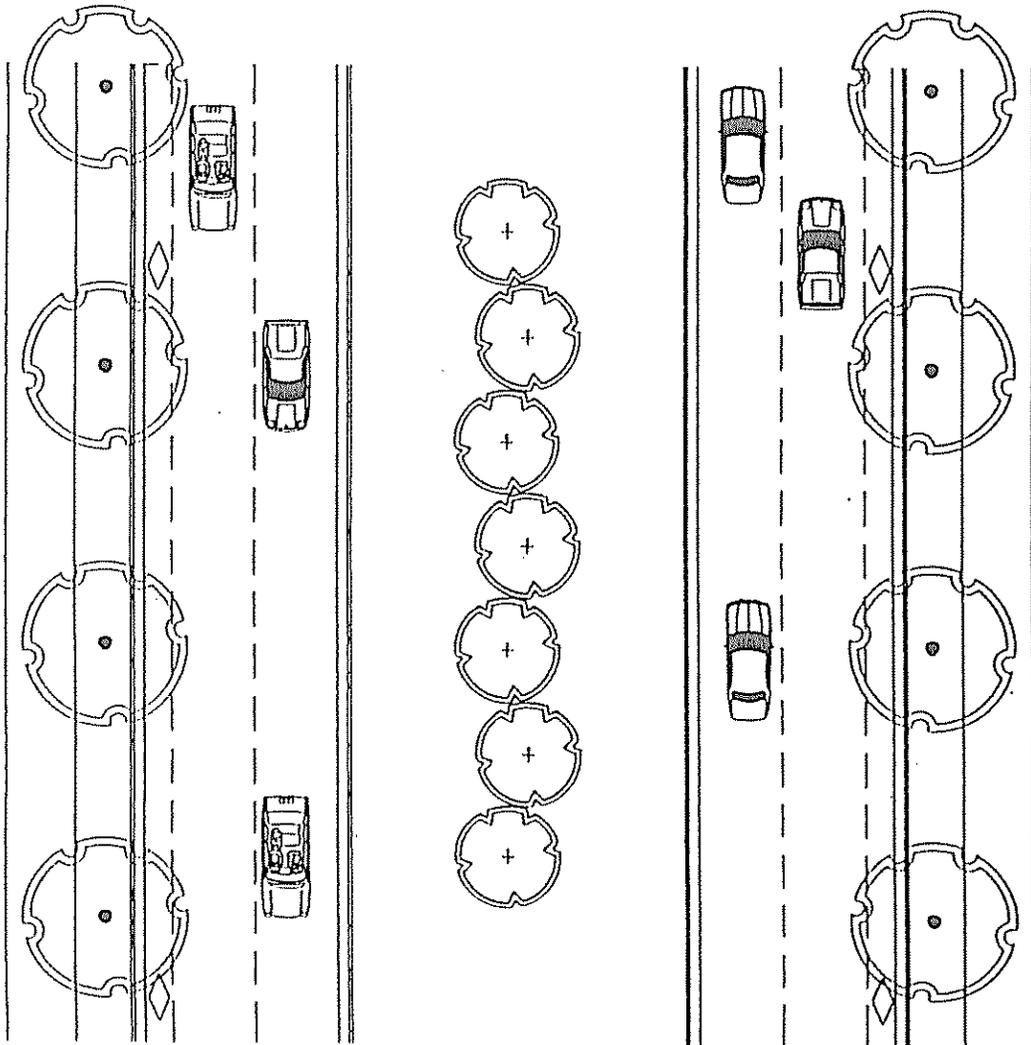


EXHIBIT A
ZEPHYRHILLS BYPASS

NEW RIVER

NEW RIVER PARTNERS, LTD., 13001 FOUNDERS SQUARE, ORLANDO, FLORIDA, 32820

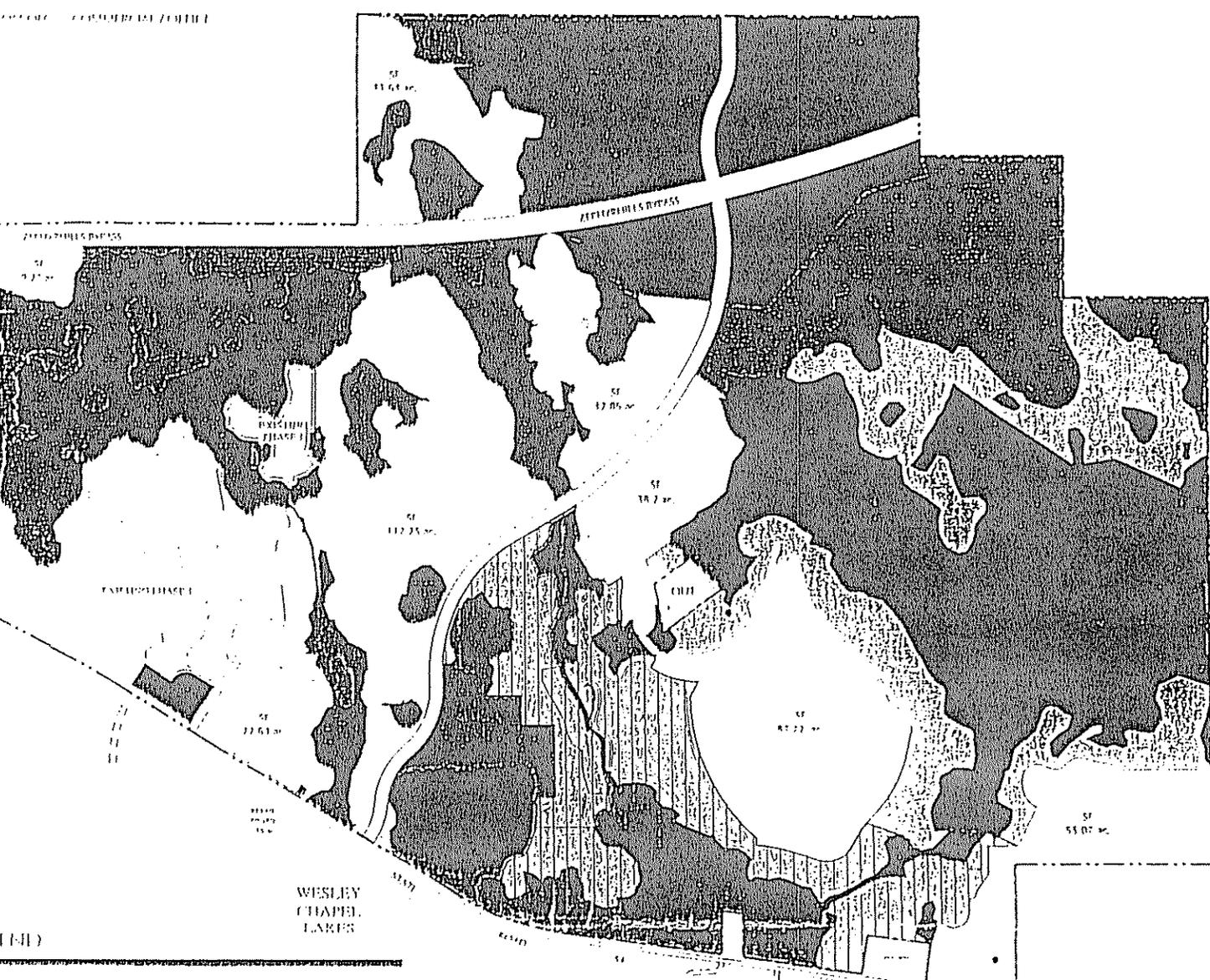


MILLER SELLEN CONNER & WALSH

Community Planning, Design & Engineers, 3242 Lyman Circle, Orlando, Florida 32801 Telephone: 407.322.3330 Fax: 407.322.3331 Email: mlc@mscw.com

LAND USE CODE

- SR SINGLE FAMILY RESIDENTIAL
- DF DENSE FAMILY RESIDENTIAL
- CC COMMERCIAL CENTER



LAND USE CODE	ACREAGE
SR SINGLE FAMILY RESIDENTIAL	414.64 acres
DF DENSE FAMILY RESIDENTIAL	105.01 acres
CC COMMERCIAL CENTER	116.09 acres
OFFICE/RETAIL/COMMERCIAL MIX	20.0 acres
INDUSTRIAL	552.21 acres
OUTLETS	242.15 acres
OFFICE/RETAIL/COMMERCIAL MIX	12.8 acres
COMMERCIAL/RETAIL MIX	128.24 acres
RECREATION/OPEN SPACE	
ROADWAY	60.60 acres
TOTAL	1,800.05 acres

NOTES:
 1. ALL AREAS SHOWN ON THIS MAP ARE BASED ON AERIAL PHOTOGRAPHS DATED 1998. THE BOUNDARIES SHOWN ON THIS MAP ARE APPROXIMATE AND SHOULD NOT BE USED FOR LEGAL PURPOSES.

LAND USE CODE	ACREAGE
SR SINGLE FAMILY RESIDENTIAL	52.78 acres
DF DENSE FAMILY RESIDENTIAL	
CC COMMERCIAL CENTER	91.35 acres
OFFICE/RETAIL/COMMERCIAL MIX	61.12 acres
INDUSTRIAL	202.25 acres

NOTES:

1. ALL AREAS SHOWN ON THIS MAP ARE BASED ON AERIAL PHOTOGRAPHS DATED 1998. THE BOUNDARIES SHOWN ON THIS MAP ARE APPROXIMATE AND SHOULD NOT BE USED FOR LEGAL PURPOSES.
2. THE OUTLETS ARE SHOWN ON THIS MAP AS APPROXIMATE AND SHOULD BE EXPANDED TO INCLUDE THE ENTIRE TRACT OF LAND SHOWN ON THIS MAP.
3. THE INDUSTRIAL AREAS SHOWN ON THIS MAP ARE APPROXIMATE AND SHOULD BE EXPANDED TO INCLUDE THE ENTIRE TRACT OF LAND SHOWN ON THIS MAP.

CONCEPTUAL MASTER DEVELOPMENT PLAN

NEW RIVER

NEW RIVER PARTNERS, LTD., 1100 FOUNDERS SQUARE, ORLANDO, FLORIDA, 32828



MILLER, STILLER, COPHER & WALSH

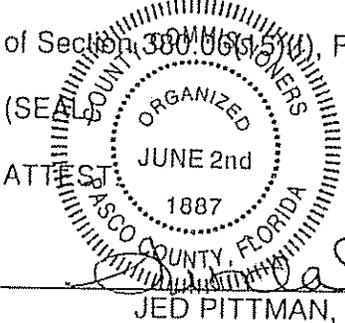
Community Planning, Design & Engineers, 2144 Tower Circle, Orlando, Florida 32801 Telephone: (407) 432-5100 Fax: (407) 432-5111 E-mail: msc@mlc.com

NOTICE OF ADOPTION OF AN AMENDMENT TO
THE DEVELOPMENT ORDER FOR THE
NEW RIVER DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 04-43 dated November 18, 2003, has adopted an amendment to the development order for a Development of Regional Impact known as New River (Resolution No. 92-98). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit C of the development order.

A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit C nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.



JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

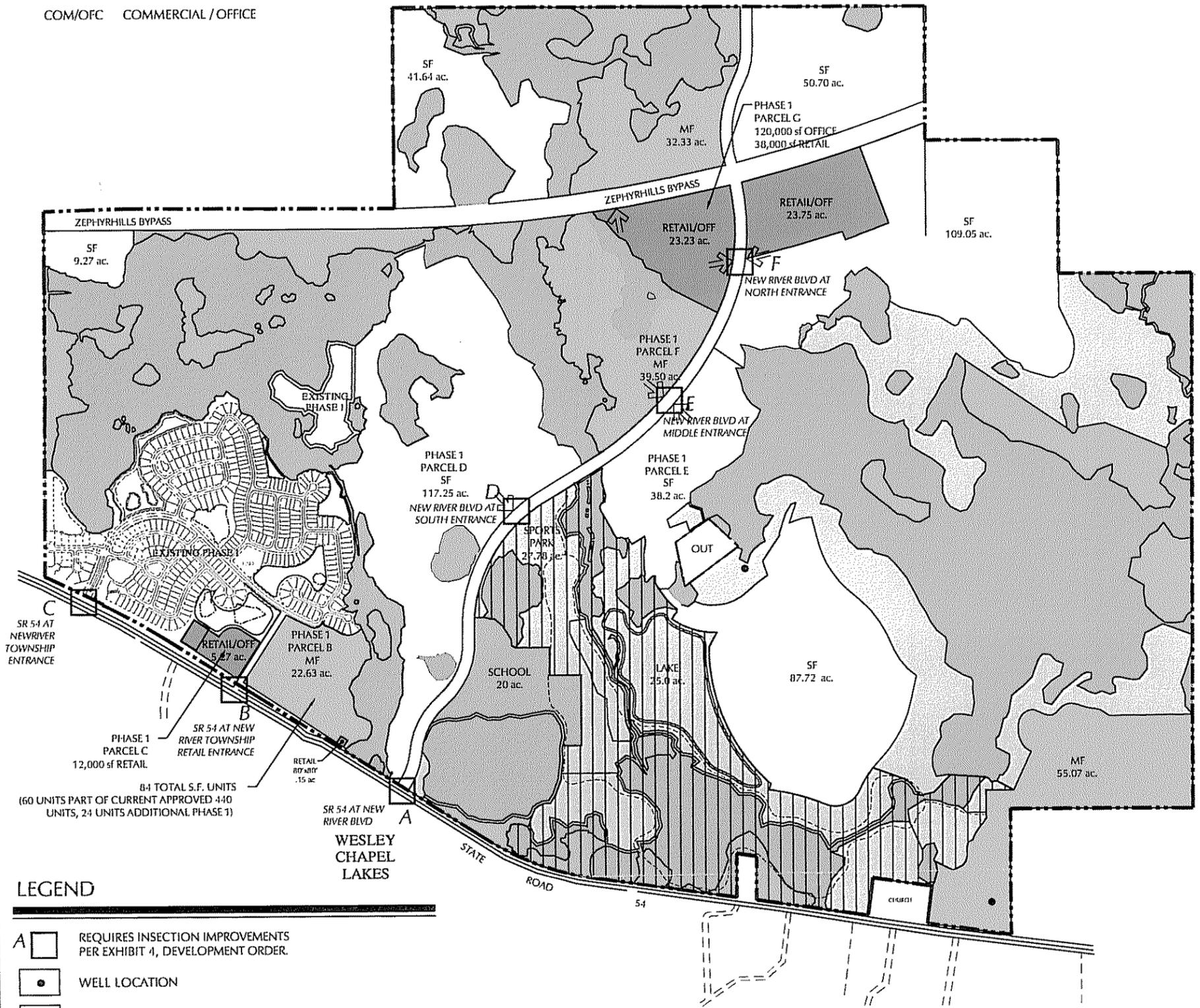
[Signature]
APPROVED
NOV 18 2003
CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the Pasco County Attorney

[Signature]
ATTORNEY

LAND USE CODE

- SF SINGLE FAMILY RESIDENTIAL
- MF MULTI-FAMILY RESIDENTIAL
- COM/OFC COMMERCIAL / OFFICE



LEGEND

A □	REQUIRES INSECTION IMPROVEMENTS PER EXHIBIT 4, DEVELOPMENT ORDER.	
●	WELL LOCATION	
□	SINGLE FAMILY RESIDENTIAL	453.83 acres
■	MULTI-FAMILY RESIDENTIAL	149.53 acres
■	RETAIL / OFFICE	52.4 acres
■	INSTITUTIONAL/SCHOOL SITE	20.0 acres
■	WETLANDS	558.01 acres
■	OPEN SPACE ¹	247.15 acres
■	UPLAND PRESERVATION	125.50 acres
■	EXISTING DEVELOPMENT	121.05 acres
—	PEDESTRIAN TRAIL SYSTEM	
□	RIGHT OF WAY	68.69 acres
	TOTAL	1,796.16 acres
FOOTNOTES:		
1. OPEN SPACE TO ALLOW FOR ACTIVITY-BASED AND RESOURCE-BASED RECREATION, COMPENSATING STORAGE, STORMWATER MANAGEMENT & WETLAND MITIGATION.		
■	PARK	
■	ACTIVE RECREATION (SPORTS PARK & LAKE)	52.78 acres
■	PASSIVE RECREATION (WETLANDS & UPLAND PRESERVATION)	91.35 acres
■	OPEN SPACE / COMPENSATING STORAGE	63.12 acres
	TOTAL ACRES	207.25 acres

NOTES:

- SF & MF Land Use Code Indicate Planned Residential Generic Product Type. SF Type Products May Occur Within MF Designations.
- Development Parcel Acreage is Approximate and Intended to Represent Upland Area and Proposed Wetland Encroachments Where Indicated.
- Wetland Limit Line (Edge of Preservation / Conservation) Location is Approximate.

DEVELOPMENT PROGRAM				
Land Use	Phase I (2008)	Phase II (2013)	Phase III (2018)	Total
Residential	1550	2278	972	4800
(Single Family)	(1250)	(1178)	(390)	(2818)
(Multi-Family) ¹	(300)	(1100)	(582)	(1982)
Retail	50,000	200,000	310,000	560,000
(GFA SF)	(6.3)	(20.6)	(25.3)	(52.2)
(Parking Spaces)	(250)	(1000)	(1550)	(2800)
Office	120,000	0	0	120,000
(GFA SF)	(11.2)	(0)	(0)	(11.2)

NOTES:

- Multi-family includes: Multi-family for sale (townhomes and villas) and rental products

REVISED MAP H
MASTER DEVELOPMENT PLAN

NEW RIVER

NEW RIVER PARTNERS, LTD., 13001 FOUNDERS SQUARE, ORLANDO, FLORIDA, 32828

BCC

NOV 18 2009

APPROVED



MILLER SELLEN CONNER & WALSH

Community Planners, Designers & Engineers, 214 E. Lucerne Circle, Orlando, Florida 32801 Telephone: (407) 422-3330 Fax: (407) 422-3329 Email: mail@mscwin.com

NOTE: THE INFORMATION PROVIDED ON THIS DOCUMENT SHOULD BE TREATED AS CONCEPTUAL ONLY AND MAY BE SUBJECT TO CHANGE BASED ON MORE DETAILED SURVEY, ENVIRONMENTAL AND SPECIFIC BUILDING PRODUCT INFORMATION.

DATE: 11/18/09 11:45 AM

DATE: 11/18/09 11:45 AM



PASCO COUNTY, FLORIDA

Growth Management/Zoning Department
West Pasco Government Center, Suite 320
7530 Little Road
New Port Richey, FL 34654-5598
Phone: (727) 847-8140
FAX: (727) 847-8084

CERTIFIED MAIL NO. 7099 3400 0003 2541 6371
RETURN RECEIPT REQUESTED

December 6, 2000

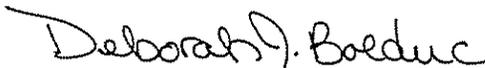
John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: New River Development of Regional Impact; DRI #210

Dear ^{John}Mr. Meyer:

Enclosed please find a certified copy of the New River Development of Regional Impact DRI (#210), Development Order (DO) Amendment (Resolution No. 01-056), which is hereby rendered in accordance with Chapter 380.06, Florida Statutes. The New River DRI DO Amendment was approved by the Pasco County Board of County Commissioners on November 14, 2000.

Sincerely,


Deborah J. Bolduc, AICP
Senior Planner

Enclosure

cc: Samuel P. Steffey, II, Growth Management Administrator

DJB/djb

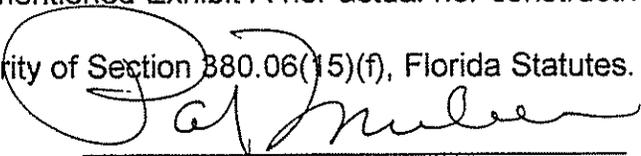
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NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR NEW RIVER DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 01-056, dated November 14, 2000, has adopted an amendment to the development order for a Development of Regional Impact known as New River (Resolution No. 92-98). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit A of the development order.

A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in the above-mentioned Exhibit A nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.



Chairman
Board of County Commissioners

APPROVED

STATE OF FLORIDA
COUNTY OF PASCO

NOV 14 2000

The foregoing Notice of Adoption of Development Order was acknowledged before me this 14th day of November, 2000.



Elaine H. Phillips
~~Notary~~ Deputy Clerk
My Commission Expires:

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the County Attorney

By: Robert D. Seaman

BY COMMISSIONER _____

RESOLUTION NO. 01-056

NEW RIVER DEVELOPMENT OF REGIONAL IMPACT
DEVELOPMENT ORDER AMENDMENT

RESOLUTION AMENDING RESOLUTION NO. 92-98, BY REVISING MAP "H" TO PROVIDE FOR THE EXCHANGE AND RELOCATION OF CERTAIN PREVIOUSLY APPROVED COMMERCIAL DEVELOPMENT WITH MULTI-FAMILY DEVELOPMENT AND PROVIDING FOR NECESSARY CHANGES TO THE MASTER PLAN AND MAP "H"

WHEREAS, on January 7, 1992, the Board of County Commissioners of Pasco County adopted by Resolution No. 92-98, a Development of Regional Impact development order approving, with conditions, the New River Development of Regional Impact; and,

WHEREAS, on March 24, 1992, the Board of County Commissioners of Pasco County adopted an amended Resolution No. 92-205, which, in response to an appeal filed by the Department of Community Affairs, adopted a Development Order approving, with amended conditions, the New River Development of Regional Impact; and,

WHEREAS, on June 15, 1993, the Board of County Commissioners adopted Resolution No. 93-265, which extended the build-out dates for each of the three Phases of the development by three years and extended the commencement date for development to five years; and,

WHEREAS, on May 18, 1999, the Board of County Commissioners adopted Resolution No. 99-184, which extended the build-out dates for each of the three phases in the development by three years, eleven months and fifteen days and further adjusted certain transportation obligations of the developer; and,

WHEREAS, on November 28 1999, New River Partners, Ltd., filed a Notification Requesting a Change to an Approved Development Order, pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Proposed Change requested an exchange in location between certain previously approved commercial with previously approved multi-family

development without any increase in density or change in phasing and such a request is presumed not to be a substantial deviation; and

WHEREAS, on June 2, 2000, New River Partners, Ltd. filed a Second Amended Notification Requesting a Change to an Approved Development Order, for the purpose of identifying past changes to Map "H" which had previously occurred through the County's zoning process, in addition to the change being proposed by the developer; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of facts:

1. Resolution No. 92-98 allowed development of 4,800 residential units and office development totaling 120,000 square feet of gross floor area, plus 560,000 square feet of gross floor area of wholesale, retail, and service development.
2. Flag Development of Florida, Ltd., has filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order on Florida Department of Community Affairs Form RPM-BSP-PROPOCHANGE-1.
3. The developer has submitted the Second Amended Request for Approval of a Proposed Change simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.
4. The proposed change would exchange the location of certain previously approved commercial development with the location of previously approved multi-family units without any increase in units or density and modify Map "H" accordingly.
5. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes.

6. The proposed change would correctly identify approved land uses on the the revised Map "H".

7. The Board of County Commissioners of Pasco County has considered the above-referenced request at a public hearing on November 14, 2000.

8. The Board of County Commissioners has received and considered the recommendations of the Pasco County Development Services Administration.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled that:

1. The above-referenced proposed change to the New River Development of Regional Impact is not a substantial deviation and, therefore, does not require further DRI review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the New River Development of Regional Impact is approved and Resolution No. 92-98 is hereby amended by incorporating the revised Map "H", attached hereto, as the current master plan for the New River Development of Regional Impact.

DONE AND RESOLVED this 14th day of November, 2000.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By: Jed Pittman

Jed Pittman, Clerk

By: [Signature]

Chairman

APPROVED

NOV 14 2000

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of County Attorney

By: [Signature]

MAP H

Located in the Original Development Order Book

#210



PASCO COUNTY, FLORIDA

Growth Management/Zoning Department
West Pasco Government Center
7530 Little Road, Suite 320
New Port Richey, FL 34654
Tel. (727) 847-8132
Fax (727) 847-8084

CERTIFIED MAIL NO. P864084062
RETURN RECEIPT REQUESTED

June 7, 1999

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional
Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: New River - Development of Regional Impact (#210)
Development Order Amendment

Dear Mr. Meyer:

Enclosed please find for your records a certified copy of the New River Development of Regional Impact, Development Order Amendment (Resolution No. 99-184). This document was approved by the Pasco County Board of County Commissioners on May 18, 1999.

Sincerely,


Michael LaSala
Planner II

ML/ml

Enclosure

Tampa Bay Regional
Planning Council

JUN 10 1999

RECEIVED

BY COMMISSIONER _____

RESOLUTION NO. 99-184

NEW RIVER DEVELOPMENT OF REGIONAL IMPACT
DEVELOPMENT ORDER AMENDMENT

RESOLUTION AMENDING RESOLUTION NO. 92-98, REVISING THE PHASE BUILD-OUT DATES BY LESS THAN SEVEN (7) YEARS PURSUANT TO 380.06(19)(e)(2), FLORIDA STATUTES, AND AMENDING SECTION V.N.

WHEREAS, on January 7, 1992, the Board of County Commissioners of Pasco County adopted by Resolution No. 92-98, a Development of Regional Impact development order approving, with conditions, the New River Development of Regional Impact; and,

WHEREAS, on March 24, 1992, the Board of County Commissioners of Pasco County adopted an amended Resolution No. 92-205, which, in response to an appeal filed by the Department of Community Affairs, adopted a Development Order approving, with amended conditions, the New River Development of Regional Impact; and,

WHEREAS, on June 15, 1993, the Board of County Commissioners adopted Resolution No. 93-265, which extended the build-out dates for each of the three Phases of the development by three years and extended the commencement date for development to five years; and,

WHEREAS, on November 19, 1998, New River Partners, Ltd., filed a Notification Requesting a Change to an Approved Development Order, pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, a change to a previously approved Development of Regional Impact pursuant to Chapter 380.06(19)(e)(2), Florida Statutes, as amended, which involves an extension of the date of build-out of the development or phase of a development by less than seven (7) years, is presumed not to be a substantial deviation; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of facts:

1. Resolution No. 92-98 allowed development of 4,800 residential units and office development totaling 120,000 square feet of gross floor area, plus 560,000 square feet of gross floor area of wholesale, retail, and service development.
2. New River Partners, Ltd., has filed a Notification of Proposed Change to a Previously

Approved Development of Regional Impact Development Order on Florida Department of Community Affairs Form RPM-BSP-PROPOCHNGE-1.

3. The developer has submitted the Request for Approval of a Proposed Change simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.

4. The proposed change would extend the build-out dates of all phases cumulatively by less than seven (7) years.

5. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes.

6. The Board of County Commissioners of Pasco County has considered the above-referenced request at a public hearing on May 18, 1999.

7. The Board of County Commissioners has received and considered the recommendations of the Pasco County Development Services Administration.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled that:

1. The above-referenced proposed change to the New River Development of Regional Impact is not a substantial deviation and, therefore, does not require further DRI review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the New River Development of Regional Impact is approved and Resolution No. 92-98, as amended, is hereby amended incorporating the following changes:

3. Section IV.A. of Pasco County Resolution 92-98, as amended, is hereby amended to read as follows:

TABLE 1

PHASING SCHEDULE (NOT CUMULATIVE)

<u>Land Use</u>	<u>PHASE</u>			<u>Total</u>
	<u>Ph. I (2003)</u>	<u>Ph. II (2008)</u>	<u>Ph. III (2015)</u>	
Residential ¹	2,522	2,278	0	4,800
(Dwelling Units)				
(Single-Family)	(2,069)	(1,835)		(3,904)
(Multifamily)	(453)	(443)		(896)
Retirement Units	(683)	(1,237)		(1,920)
Retail	150,000	100,000	310,000	560,000
(GFA SF)				
(Acres)	(16.9)	(10.0)	(25.3)	(52.2)
(Parking Spaces)	(750)	(500)	(1,550)	(2,800)
Office	50,000	70,000	0	120,000
(GFA SF)				
(Acres)	(4.7)	(6.5)	(0)	(11.2)
Golf/Racquet Club	30,000	0	0	30,000
(GFA SF)				
Clubhouse	10,000	0	0	10,000
Golf Course	135	0	0	135
(Acres)				

(These phase build-out dates are applicable to all references to phase build-out dates in Resolution No. 92-205).

4. Section IV.D. of Pasco County Resolution 92-98, as amended is hereby amended to read as follows:

D. Build-out of Phases and Project

Build-out dates of each phase and the entire project shall be as of November 30th of each of the years listed on Table 1 above.

¹ Subject to the restrictions of nonretirement/retirement housing mix specified in Section N.1b. No less than 27 percent of the units within Phase I and 54 percent of the units within Phase II (40 percent cumulative) shall be retirement units.

5. Section V.N. 1. of Pasco County Resolution 92-98, as amended, is hereby amended to read as follows:

N. Transportation

1. Approval - Specific approval is provided for Phase I of NEW RIVER, as defined herein. Phases II and III of NEW RIVER are subject to review pursuant to Chapter 380, Florida Statutes, as amended, for the transportation impacts of each phase and shall require review and approval of an ADA through a Development Order Amendment to establish the conditions for mitigating these impacts. The following conditions are established for purposes of mitigating Phase I impacts. Issuance of development permits by the County for the project shall require a determination by the County of compliance with the conditions set forth herein.

a. For the purposes of this Order, funding commitments shall be defined as placement of construction monies for the improvements in the adopted Five-Year Capital Improvement Element of the Pasco County Comprehensive Plan or the adopted Florida Department of Transportation Five-Year Work Program, provided that the required transportation facility is scheduled to be commenced within the first three (3) years. Any other funding commitments can be in the form of enforceable developer's agreements; however, in all such cases, the necessary improvements shall be in place when the impacts of development occur.

b. Phase I development is described as follows:

PHASE I SPECIFIC APPROVAL
PARCEL ONE (LAKES)

<u>Land Use</u>	<u>Size</u>
Single-Family	610 d.u.
Multifamily	120 d.u.
Racquet Club	10,000 s.f.
Office	50,000 s.f.
Retail	125,000 s.f.

PARCEL TWO - RETIREMENT (CLUB)

<u>Land Use</u>	<u>Size</u>
Single-Family	550 d.u.
Multifamily	133 d.u.
Golf Course	135 ac.
Golf/Racquet Club	20,000 s.f.

PARCEL THREE (OAKS)

<u>Land Use</u>	<u>Size</u>
Single-Family	909 d.u.
Multifamily	200 d.u.
Clubhouse	10,000 s.f.
Retail	25,000 s.f.

c. The Developer may proceed with the development anywhere within Phase I, or a subphase thereof, under the conditions set forth below.

d. Regional Roadways - The Developer shall proceed with subphases, based on the need to maintain Level of Service standards on the regional roadways, including the roadway segments identified in Table 2. Specific approval is granted for the first subphase for up to 440 primary single-family units (nonretirement) or equivalent land uses. Capacity for 440 units is hereby reserved on the County's Concurrency Management System. Before proceeding further and prior to approval of each additional subphase, the County shall in connection with its review of the traffic monitoring required in subsection f. below, make a determination that adequate commitments, as defined in N.1.a. above, are provided for roadway improvements identified in Table 2, that all roadways in Table 2 will operate at the Level of Service specified in Table 2, and all other affected regional roadways will operate at acceptable levels of service. In no case shall the subphases exceed the impacts identified in the ADA for Phase I of the development (2,392 PM peak hour external trips). The DRI traffic analysis, which is consistent with the requirements of Chapter 380.06, Florida Statutes, provides an acceptable "detailed analysis" pursuant to the Pasco County Comprehensive Plan and compliance with said analysis findings ensures Level of Service compliance for regional roadways. For the purpose of this Development Order, Level of Service Compliance Review for regional roadways shall be based upon compliance with Table 2 and maintenance of acceptable levels of service for all other affected regional roadways. Roadways that are considered to be regional for purposes of this review shall be the following: I-75 (S.R. 93), U.S. 301, (S.R. 41), U.S. 98, (S.R. 35), U.S. 41 (S.R. 45), U.S. 19 (S.R. 55), S.R. 52, S.R. 54, C.R. 54, S.R. 39, C.R. 471, C.R. 579, C.R. 578, C.R. 577, C.R. 581, C.R. 35A, Chancey Road, S.R. 471, C.R. 595, C.R. 587, C.R. 583, S.R. 597, Little Road (C.R. 1), Alternate U.S. 19 (S.R. 595), S.R. 56. This list shall also include roadways included within the most current Regional Roadway Map as approved by the TBRPC.

TABLE 2
PART A
ROADWAY SEGMENT IMPROVEMENT

Segment Number	Roadway	Roadway Segments		LOS Standard	Required Roadway Improvement
		From	To		
1	S.R. 54	C.R. 581	C.R. 577	D	4-Lane Divided Rural
2	S.R. 54	I-75	C.R. 581	D	4-Lane Divided Rural
3	S.R. 54	W. Site	E. Site	D	4-Lane Divided Rural
4	S.R. 54	E. Site	New River	D	4-Lane Divided Rural
5	S.R. 54	New River	C.R. 579	D	4-Lane Divided Rural
6	S.R. 54	Pasco	I-75	D	4-Lane Divided Rural
7	S.R. 54	C.R. 577	W. Site	D	4-Lane Divided Rural
8	S.R. 54	C.R. 579	Dean Dairy	D	4-Lane Divided Rural
9	S. R. 54	S. Allen	2 nd	D	4-Lane Divided Urban
10	C.R. 581	S.R. 54	County Line Road	D	4-Lane Divided Rural
11	S.R. 54	Dean Dairy	S. Allen	D	4-Lane Divided Urban

PHASE I BUILD-OUT

NOTE:

1. In no event shall the number of PM Peak hour external trips exceed 2,392 PM Peak Hour vehicle trips for Phase I.

TABLE 2
PART B
NEW RIVER DRI PHASE ONE
INTERSECTION IMPROVEMENTS

<u>Corresponding¹ Road Segment</u>	<u>Location</u>	<u>Improvements¹</u>
2	S.R. 54 at Pasco Road	Signalize S.R. 54 as 4L WB Right
2	S.R. 54 at I-75 (West)	Signalize S.R. 54 as 4L
3	S.R. 54 at I-75 (East)	Signalize S.R. 54 as 4L
1	S.R. 54 at C.R. 581	Signalize S.R. 54 as 4L C.R. 581 as 4L
1	S.R. 54 at C.R. 577	Signalize S.R. 54 as 4L
7	S.R. 54 at C.R. 579	Signalize S.R. 54 as 4L
8	S.R. 54 at Dean Dairy	S.R. 54 as 4L
8	C.R. 579 at Chancey	Signalize

¹ Intersection improvements correspond with link improvements identified in Table 2, Part A. These improvements will be provided to the intersections, with the roadway segment improvement. New signalization will be provided subject to MUTCD warrants.

TABLE 2
PART C
SITE INTERSECTION IMPROVEMENTS

<u>Location</u>	<u>Improvements¹</u>
S.R. 54 at New River Lakes at West Drive	Unsignalized S.R. 54 as 4L Right-In, Right-Out
S.R. 54 at New River Lakes at Commercial Drive	Signalized S.R. 54 as 4L
S.R. 54 at New River Lakes at East Drive	Unsignalized S.R. 54 as 4L Right-In, Right-out
S.R. 54 at New River Country Club at West Drive	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Country Club at East Drive	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at West Drive	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at East Drive	Unsignalized S.R. 54 as 4L Right-In, Right-out

¹ Signalization shall be provided subject to MUTCD Signal Warrants. Access improvements will be made consistent with site development.

e. Local Roadways - Level of Service Compliance for nonregional (local) roadways shall be required in accordance with Pasco County's Concurrency Management System. Increments may be smaller than the subphases which might otherwise be allowed as a result of improvements in Table 2 for regional roadways. Any Certificate of Level of Service Compliance shall be consistent with the terms of this Development Order:

F. Level of Service/Monitoring - Prior to proceeding with any phase or subphase in excess of the 440 units or equivalent identified above, the Developer shall submit to the County, DCA, FDOT, and the TBRPC pursuant to Section 380.06, Florida Statutes, updated traffic counts on the affected regional roadways, including all roadway segments, listed in Table 2, which do not have commitments for required transportation improvements. The Developer shall further submit projections of traffic volumes that will include the currently approved project development, plus the volumes to be generated by the next portion of development for which the Developer is seeking approval and future background traffic. At the time of submission, the Developer shall confirm that sufficient roadway capacity exists on affected roadways. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative or additional transportation improvements or mechanisms which, when implemented, will maintain the facilities at or above peak hour LOS standard. Any changes to Table 2 shall be implemented by an amendment to this D.O. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices and the original ADA. Upon obtaining written recommendation from Tampa Bay Regional Planning Council staff, and prior to any specific preliminary or site plan approval for units in excess of the 440 herein authorized, Pasco County or its designee shall determine based upon the submitted traffic study, that the affected regional roadways and those intersections in Table 2 are operating at or above the acceptable peak hour level of service standard set forth in Table 2, and that the expected trips to be generated by such approval would not cause the affected regional roadways to operate below the average peak hour level of service standard.

BE IT FURTHER RESOLVED that except as otherwise modified herein, all other terms and conditions of Resolution No. 92-98, as amended, shall remain in full force and effect.

DONE AND RESOLVED this 18 day of May, 1999.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By: Connie Aman D.C.
Jed Pittman, Clerk

By: Ann Hildebrand
Ann Hildebrand, Chairman
APPROVED

MAY 18 1999

APPROVED AS TO LEGAL FORM AND CONTENT
Office of County Attorney

By: Karla S. Owens

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND THE COUNTY'S OFFICIAL SEAL THIS 18th day of May, 1999
JED PITTMAN, CLERK TO THE BOARD

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND THE COUNTY'S OFFICIAL SEAL THIS 18th day of May, 1999
BY Connie Aman
JED PITTMAN, CLERK TO THE BOARD

BY _____ D.C.

NEW RIVER
DEVELOPMENT ORDER
LIST OF EXHIBITS

- *EXHIBIT A - Application for Development Approval (ADA), Sufficiency Responses, and
NEW RIVER Updated Subphase Traffic Analysis (December 6, 1991)
- *EXHIBIT B - Findings of Fact
Pages 25-49 of Adopted the TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT C - Legal Description
- EXHIBIT D - Developer's Commitments
Pages 22-24 of Adopted TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT E - MPUD Rezoning Conditions of Approval
MPUD Amendment - March 12, 1991 (File No. PL91-257)
MPUD - December 13, 1988 (Petition No. 4061)
- EXHIBIT F - The TBRPC Preservation/Conservation Wetlands Map
- *EXHIBIT G - Revised Map H, dated May 1991.
- *EXHIBIT H - Wildlife Management Plan

*These Exhibits are incorporated into this Development Order by reference and are not specifically attached.

EXHIBIT C
Legal Description

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

AND THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF AND THE EAST 3/4 OF THE NORTH 1/2 AND THAT PORTION OF THE WEST 5/8 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF STATE ROAD 54, AND THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS, COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA, AND RUN S89°54'43"E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 2,203.99 FEET; THENCE S07°57'05"W, 685.63 FEET FOR A P.O.B.; THENCE RUN S82°02'55"E, 600.00 FEET; THENCE S07°57'05"W, 361.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE N82°02'55"W; THENCE RUN S07°57'05"W, 10.00 FEET TO A RIGHT-OF-WAY MARKER OF STATE ROAD NO. 54; THENCE CONTINUE N82°02'55"W, ALONG SAID RIGHT-OF-WAY 87.00 FEET; THENCE RUN N07°57'05"E, 371.55 FEET TO THE P.O.B.

AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 30.00 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET THEREOF, AND THE WEST 30.00 FEET OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET, THEREOF, AND THE WEST 30.00 FEET OF THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, LYING NORTH OF THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54, LESS THE WEST 1,828.75 FEET THEREOF AND BEING FURTHER SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS TO A PRIVATE FAMILY CEMETERY OVER AND ACROSS THE SOUTH 25.7 FEET OF THE EAST 25.00 FEET OF SECTION 11, AND THE SOUTH 25.7 FEET OF THE WEST 159.85 FEET OF SECTION 12 AND THE WEST 25.00 FEET OF THAT PORTION OF SECTION 13 LYING NORTH OF STATE ROAD NO. 54, AND THE NORTH 24.3 FEET OF THE WEST 159.85 FEET OF SAID SECTION 13 AND THE EAST 25.00 FEET OF THAT PORTION OF SECTION 14, LYING NORTH OF STATE ROAD NO. 54

AND THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS THE WEST 1,828.75 FEET THEREOF, LYING NORTH OF STATE ROAD NO. 54. CONTAINING 1,800.85 ACRES.

PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

EXHIBIT D
Developer's Commitments

DRI #210

NEW RIVER

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

The project will be governed by the Pasco County Zoning Code and all local development regulations. (ADA, page 12-4)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

Appropriate procedures will be employed to control wind erosion and fugitive dusts, as required by Pasco County. (ADA, page 13-3)

The applicant is willing to have a Development Order Condition that, if the FDER parking thresholds are planned to be reached or surpassed in the future, an appropriate air quality analysis of the pertinent parking facilities would be prepared. (SRI, page 13-9)

Wetlands

Stormwater (developer clarification: primary treatment facilities) associated with the proposed development will be excavated from uplands. (SRI, 16-3)

A combination of haybales and Envirofence will be utilized to protect the marsh areas to be preserved. (SRI, 16-3)

Lakes/retention ponds that are located adjacent to, or in proximity to, wetlands will be designed after careful determination of the seasonal high water and normal pool elevations associated with the wetland. (SRI, 16-5)

(Developer clarification: As mitigation for wetlands impacts the applicant will enhance the wetland functions of selected preserved marshes. (ADA, page 16-6)

Floodplains

All permanent habitable structures will be constructed with floor elevations at or above the 100-year flood level. (ADA, 17-8)

Vegetation and Wildlife

Three upland preserves will be located within the development providing for wildlife habitat and acting as a natural buffer between developed areas of the project. (SRJ, page 1)

Should the Florida sandhill crane be documented in the future to nest on site, their management will be addressed in association with construction permit applications. (New River Wildlife Management Plan (NRWMP), page 19)

Wildlife underpasses will be provided along the primary New River riparian corridor between upland preserves. (NRWMP, page 21)

Monitoring will be conducted by a qualified biologist at least annually for five consecutive years once active management of a given preserve has been initiated. Monitoring will then occur every fifth year. Results of the monitoring will be submitted to the FGFWFC within 60 days of the monitoring event. - However, after ten years, monitoring will be subject to termination or modification at any time upon mutual consent of the FGFWFC and the entity responsible for preserve management (e.g., developer, homeowners association). (NRWMP, page 22)

Gopher tortoises monitoring will be conducted as described in (developer clarification: the New River Wildlife Management Plan). (NRWMP, page 22)

Surveys for scrub jays will be conducted during the spring in the year prior to the prescribed burn (or mechanical treatment) for each management unit and at the midpoint of each burn cycle for xeric oak and pine flatwoods habitat types. (NRWMP, page 23)

Habitats designated for preserve areas will be protected in perpetuity through the Pasco County MPUD rezoning process. (NRWMP, page 23)

Historical and Archaeological Sites

Should any archaeological or historical resources be discovered during development construction, the disposition of such resources would be determined in cooperation with the State Division of Historical Resources and Pasco County. (SR1, 19-1)

PUBLIC FACILITIES

Drainage

The natural flow pattern of New River and its various tributaries will be maintained. (ADA, page 22-1)

Water Supp.

The developer will participate, as may be required by law, in the use of reclaimed water for non-potable purposes, including residential lawn sprinkling. (SR1, 23-3)

The developer will investigate the use of water conservation devices throughout the project. (SR1, 23-3)

Education

The developer has agreed to donate a 15-acre site to be used by the School Board for Elementary School construction or to provide a Lump Sum cash contribution of \$57,433 toward acquisition or construction of an Elementary School in the area. (SR1, page 26-1)

Housing

The developer intends that the portions of the community which are set aside as "older persons' housing" will have a set of policies which are not binding on the other housing offered on the site. The marketing plan will be explicitly directed toward "older persons". Rules and regulations will be put into effect which "codify" the intent of the developer that the community be designated as "older persons' housing". (SR1, page 12-2)

Transportation

NEW RIVER will construct its internal roadway network and provide for the necessary connections of that roadway to the external network, including site-related turn lanes. (ADA, 31-83)

EXHIBIT E
MPUD Rezoning Conditions of Approval



PASCO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

Sylvia Young
Chairman
Mike Walls
Vice-Chairman
Curtis Lew
Ann Hildebrand
Allan G. Salinas, Jr.

December 14, 1988

Flag Development Co. of Fla., Inc. 4061
Bill R. & Anne C. Brown
c/o Gerald A. Figurski
8406 Massachusetts Avenue
Suite B-1
New Port Richey, FL 34653

Dear Petitioner(s):

On December 13, 1988, the Board of County Commissioners approved your request as per the attached memorandum.

If you have any questions regarding this matter, please contact Mr. Fred Lowndes, Zoning Administrator, at the address or telephone number indicated below.

Sincerely,

Jed Pittman

By: Claire H. Mitchell, DC

JED PITTMAN
CLERK TO THE BOARD

JP/ehm
Enclosure

Reply to:

- 705 East Live Oak Avenue — Dade City, Florida 33525 - (904) 521-4274
 7530 Little Road — New Port Richey, Florida 34654 - (813) 847-2411

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

constructions of State Road 54 and the project access roads shall be constructed as required by the Florida Department of Transportation and the County Engineering Services Department. The developer shall pay his share of the cost of signalization of those intersections if signalization is deemed to be necessary by the Development Review Committee and meets required Florida Department of Transportation and County Engineering Services Department traffic warrants.

3) The developer shall provide a secondary access in a manner found acceptable by the Development Review Committee whenever the residential development exceeds 100 units. This access may be barricaded in a manner found acceptable by the Engineering Services Department and the Emergency Services Department.

c. At each preliminary/site plan approval, the Development Review Committee may require further intersection improvements along internal roadways. Along abutting roadways and external intersections, the Development Review Committee also require additional improvements pursuant to the Development of Regional Impact Development Order. Specific intersection improvements shall be determined through the right-of-way use permit process.

The developer shall submit a plan to the Development Review Division indicating geometric alignment, and construction phasing of the collector roadways as shown on the Master Development Plan. Approval of the roadway phasing and alignment plan may be obtained from the Development Review Committee prior to preliminary/site plan approval of the first increment. The County shall have the right to require specific time frames of completion of construction for any portion of those roads required to provide safe access to the increment which is subject of the submittal at the time of each preliminary/site plan approval.

11. Sidewalks shall be constructed on both sides of all proposed roads. Bicycle lanes shall be provided along nonlocal internal roadways. A Development Review Committee approved pedestrian/bikeway plan, which provides an alternative method of pedestrian/bikeway circulation, may supersede this requirement. Such pedestrian/bikeway plans shall comply with the handicapped provisions of Chapter 336.045, Florida Statutes.

Utilities: Drainage, Water Service, Wastewater Disposal

12. Prior to the first preliminary/site plan approval, the developer shall submit a Master Drainage Plan for the entire project to the County Engineer for approval by the Development Review Committee. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within the Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County. In addition, the ownership and maintenance responsibilities for the drainage for the drainage system(s) shall be referenced along with existing wetlands on the plan.

13. The developer shall submit drainage plans for each development phase and increment/parcel. These plans shall include drainage maps and runoff computations for all predevelopment and postdevelopment watersheds; detention/retention computations and quantities; drainage structure, pipe, swale, ditch, and other appurtenant structure locations, sizes, cross sections, types, and sizing computations. All drainage plans shall be in conformance with the above-referenced Master Drainage Plan and shall be approved prior to submission of the construction plans for the development phase/increment/parcel in question. The subsequent construction drawings for all or a portion of that development phase/increment/parcel shall indicate how and when the drainage system for that portion will coordinate with that of the entire increment's/parcel's drainage system and the Master Drainage Plan. No design of an individual increment/parcel or portion of an increment/parcel shall be dependent upon the ultimate construction of future increments/parcels, unless an interim design for drainage through a future increment(s)/parcel(s) is approved by the Development Review Committee.

14. Base flood elevations for all habitable structures shall be at or above the 100-year flood plan elevation. All preliminary/site plan approvals shall show the 100-year flood elevation.

15. A Master Utility Plan for the entire development must be submitted to and approved by the Pasco County Utilities Department prior to approval of the first preliminary/site plan. This Utility Plan shall minimally show the following:

- a. Trunk sewer lines and lift station.
- 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 feasibility of a nonpotable water system for irrigation.
- d. Method of lighting all nonlocal public roads.

Prior to the first preliminary/site plan approval, the developer and the County shall enter into a Utility Service Agreement.

- 16. 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 Department.

Land Use

- 17. The design standards are those specified in the Brown Site Master Planned Unit Development Zoning Application #4061 dated October 1, 1988. Where Tables III and IV of the accompanying narrative reference standards of the Pasco County Zoning Ordinance are the standards in effect at the time of rezoning approval shall remain. The following changes shall be made to the above-referenced Tables III and IV:

a. Table III - Development Standards

- (1) Revise the parcel increment designation to include two multifamily categories--MF-1 and MF-2. Maximum allowable densities shall be 10 and 1 dwelling units per acre, respectively.

b. Table IV - Design and Density Standards

- (1) Delete "townhouse" from Section IV.1.B.5).
- (2) Delete Section IV.1.B.5)b)(1).
- (3) Insert standards for a low density multifamily category: to be developed pursuant to MF-1 standards with maximum permitted gross density of ten dwelling units per acre.
- (4) Change Section IV.1.D.6) to "RMF-2".
- (5) Change Section IV.1.B.6)b) to say that "development and use shall be in accordance with regulations for the MF-2, High Density Multiple Family District..."
- (6) Move the parcel increment designation down on Page 19 to opposite the "Commercial" heading.
- (7) Revise Section IV.2.A.2) to say that "development and uses shall be in accordance with Section 16.5.D. of the Pasco County Zoning Ordinance."

- 18. With any cluster development, the County may add additional performance standards during the time of preliminary/site plan approval. The developer shall also submit a concept sketch for the Planning and Zoning Department's review, prior to submission of a preliminary/site plan showing the location of typical buildable area with appropriate typical lot setbacks. The Zoning Administrator shall have the authority to approve, reject, or recommend modifications to the concept sketch. Any such action by the Zoning Administrator may be appealed first to the Development Review Committee, whose ruling(s) may, in turn, be appealed to the Board of County Commissioners.

- 19. Principal structures (exclusive of swimming pools) shall be set back at least 35 feet from the rights-of-way or access easement lines of the collector and arterial roads. However, this setback may be reduced to 25 feet if a six-foot high wall is provided as a buffer.

- 20. If any redistribution of units is proposed, pursuant to the guidelines listed in Section III.A on Page 11 of the Master Planned Unit Development Amendment Application narrative, the developer shall submit an amended Master Development Plan to the Zoning Administrator illustrating unit redistribution. Residential use may not be intensified within any one increment, as provided above, following approval of the plat or final site plan for the first unit in that increment without review and approval by the Board of County Commissioners.

- 1. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of three acres to be used for recreational vehicle storage for the exclusive use of Brown Site residents. Such a site(s) shall have appropriate landscape buffering and must be approved by the Zoning Administrator. The site(s) must

... plan approval prior to development and be owned by the mand
tory homeowners'/pro... owners'/condominium owners' association.

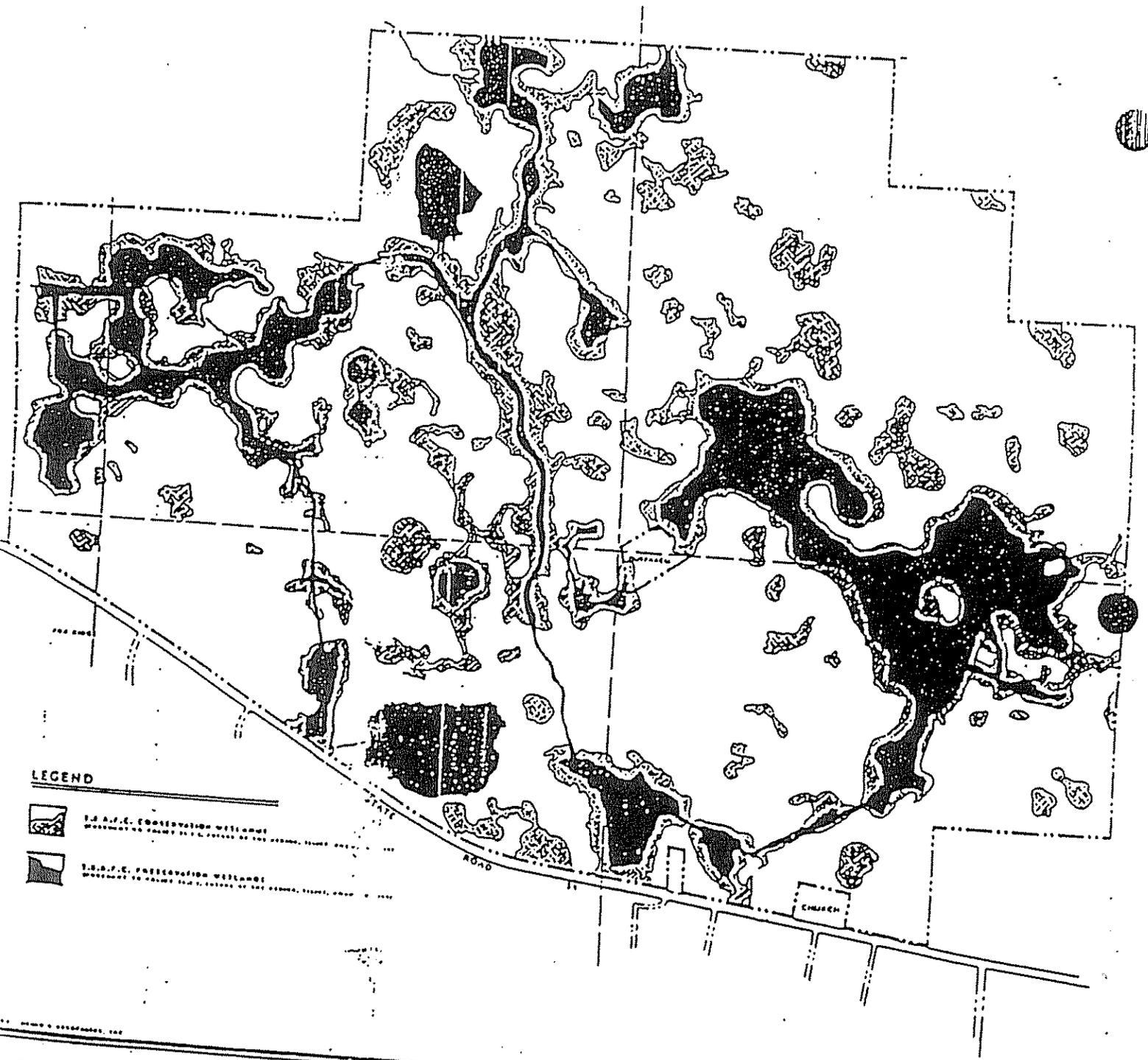
22. Signs shall be in compliance with the Pasco County Sign Ordinance (Section 23.6 of the Pasco County Zoning Ordinance). Commercial billboard signs shall not be permitted in this development except those specifically related to the residential component of the project (maximum two) and shall be removed upon completion of the project.

Procedures

23. The ordinances and regulations in effect at the time of preliminary plan submission shall govern, unless otherwise specifically stipulated or modified herein and/or in the Development of Regional Impact Development Order, if applicable (except as reference in Condition 17 above).
24. In the event a resolution is adopted by the Board of County Commissioners on or before approval of the final record plat establishing a County-wide fee for the purpose of funding public safety, the developer shall be required to pay said fee pursuant to that resolution unless the Board of County Commissioners of Pasco County shall waive such requirement of payment.
25. Any decisions or matters which, under the conditions of the Master Planned Unit Development require approval or allow modification by the Development Review Committee, or require approval by the Zoning Administrator may be appealed to the Board of County Commissioners and, where appropriate, to the Courts.
26. There shall be no development within the project unless the developer complies with the provisions of Chapter 380.06, Florida Statutes, as amended, and rules and regulations adopted pursuant thereto. Rezoning of this property with conditions of approval does not constitute a Development of Regional Impact Development Order nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation implemented by the Florida Department of Community Affairs and Pasco County. The conditions of the Master Planned Unit Development may be modified or added to by the County based on the findings of any Development of Regional Impact Application for Development Approval and/or Development Order.

EXHIBIT F

The TBRPC Preservation/Conservation Wetlands Map

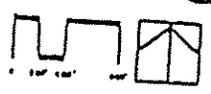


LEGEND

-  T.B.R.P.C. Conservation wetlands
Wetlands in the riparian zone of the river, stream, or lake.
-  T.B.R.P.C. Preservation wetlands
Wetlands in the riparian zone of the river, stream, or lake.

NEW RIVER

LAG DEVELOPMENT COMPANY



T.B.R.P.C. CONSERVATION/PRESERVATION WETLANDS MAP

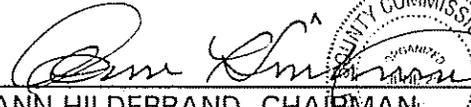
Copyright © 1998 by T.B.R.P.C. All rights reserved. This map is a confidential document and its use is restricted to the project for which it was prepared. No part of this map may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of T.B.R.P.C.

**NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER
FOR THE NEW RIVER DEVELOPMENT OF REGIONAL IMPACT**

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 99-184 dated May 18, 1999, has adopted an amendment to the development order for a Development of Regional Impact known as New River (Resolution No. 92-98). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit C of the development order.

A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

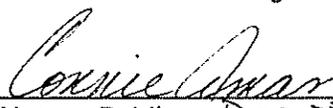
The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit C nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.



 ANN HILDEBRAND, CHAIRMAN
 BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 18th day of May, 1999.



 Notary Public DEPUTY CLERK
 State of Florida-at Large
 My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: Karl S. Owens
_____ ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND THE COUNTY'S OFFICIAL SEAL THIS 18th day of May, 1999
JED PITTMAN, CLERK TO THE BOARD
BY Corrie Ann _____ D.C.



EXHIBIT A

PASCO COUNTY, FLORIDA

CERTIFIED MAIL P146 931 939

GROWTH MANAGEMENT
DEVELOPMENT SERVICES ADM.
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654
(813) 847-8132

July 6, 1993

CLIENT COPY

Suzanne Cooper, AICP
Tampa Bay Reg. Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702-2491

RE: New River DRI - Development Order Amendment

Dear Ms. Cooper:

Enclosed please find a certified copy of Resolution 93-265 amending the D.R.I. Development Order for New River along with the requisite Notice of Adoption.

Sincerely,

Dean R. Neal
Senior Planner

DRN/ca

Enclosure

Certified copies:

cc: John Baker, Dept. of Community Affairs (P 146 931 940)
Ben Harrill, Martin, Figurski & Harrell (P 146 931 941)

RECEIVED JUL 7 1993

NEW RIVER DEVELOPMENT OF REGIONAL IMPACT
DEVELOPMENT ORDER AMENDMENT

RESOLUTION AMENDING RESOLUTION NO. 92-98, REVISING THE PHASE BUILD-OUT DATES BY LESS THAN FIVE(5) YEARS PURSUANT TO 380.06(19)(e)(2), FLORIDA STATUTES, AS AMENDED.

WHEREAS, on January 7, 1992, the Board of County Commissioners of Pasco County adopted by Resolution No. 92-98, a Development of Regional Impact development order approving, with conditions, the New River Development of Regional Impact; and,

WHEREAS, on March 24, 1992, the Board of County Commissioners of Pasco County adopted an amended Resolution No. 92-205, which, in response to an appeal filed by the Department of Community Affairs, adopted a Development Order approving, with amended conditions, the New River Development of Regional Impact; and,

WHEREAS, on February 15, 1993, Flag Development Company of Florida, Ltd., filed a Notification Requesting a Change to an Approved Development Order, pursuant to Section 380.06(19), Florida Statutes; and,

WHEREAS, a change to a previously approved Development of Regional Impact pursuant to Chapter 380.06(19)(e)(2), Florida Statutes, as amended, which involves an extension of the date of build-out of a development or phase of a development by less than five (5) years, is not a substantial deviation and is not subject to a public hearing or a substantial deviation determination by the local government; and,

WHEREAS, the Board of County Commissioners of Pasco County makes the following findings of facts:

1. Resolution No. 92-98 allowed development of 4,800 residential units and office development totaling 120,000 square feet of gross floor area, plus 560,000 square feet of gross floor area of wholesale, retail, and service development.

2. Flag Development of Florida, Ltd., has filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Development Order on Florida

3. The developer has submitted the Request for Approval of a Proposed Change simultaneously to Pasco County Growth Management, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs.

4. The proposed change would extend the build-out dates of all phases cumulatively by less than five (5) years.

5. The Pasco County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of said Development of Regional Impact in accordance with Section 380.06, Florida Statutes.

6. The Board of County Commissioners of Pasco County has considered the above-referenced request on June 15, 1993.

7. The Board of County Commissioners has received and considered the recommendations of the Pasco County Development Services Administration.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session duly assembled that:

1. The above-referenced proposed change to the New River Development of Regional Impact is not a substantial deviation and, therefore, does not require further DRI review pursuant to Chapter 380.06(19), Florida Statutes, as amended.

2. The proposed change to the New River Development of Regional Impact is approved and Resolution No. 92-98 is hereby amended incorporating the following changes.

3. The phase build-out dates are amended to read as follows:

Phase I	December 31, 1999
Phase II	December 31, 2004
Phase III	December 31, 2011

These phase build-out dates are applicable to all references to phase build-out dates in Resolution No. 92-98.

4. Section IV C. of the Development Order dealing with Commencement of Development is hereby amended to read as follows:

STATE OF FLORIDA
 COUNTY OF PASCO
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL AS
 FILED IN THE OFFICE OF THE CLERK OF THE BOARD
 OF COUNTY COMMISSIONERS ON DECEMBER 14, 1993
 JED FITZMAN, CLERK TO THE BOARD
 BY B. J. ... S. ...

00034

NOTICE OF ADOPTION OF AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE NEW RIVER DEVELOPMENT OF REGIONAL IMPACT

9.58
J.C.

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 92-2165 dated June 15, 1993, has adopted an amendment to the Development Order for a Development of Regional Impact known as New River (Resolution No. 92-98). The above-referenced development order constitutes a land development regulation applicable to the property described in Exhibit "C" of the Development Order.

A legal description of the property covered and the development order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "C" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

RECORD VERIFIED
JED PITTMAN
Clerk Circuit Court, Pasco County

[Signature]

[Signature]
ANN WILDEBRAND, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 15th day of June, 1993.

[Signature]
Notary Public, Pasco County
State of Florida at Large
My Commission Expires:

93 JUN 17 PM 2:23
FILED FOR RECORD
CLERK OF CIRCUIT COURT
PASCO COUNTY, FLORIDA

APPROVED AS TO LEGAL FORM BY: *[Signature]*
Office of the County Clerk
RECORDING FEE 5.00
INDEXING FEE 1.50
TOTAL: 10.50
BY: *[Signature]* 115002 CHARGED: 10.50
ATTORNEY WILDER DJ-A AMT PAID: .00

U20265

00036

If physical development of New River has not commenced within five (5) years of the effective date of this Development Order, the commission shall determine, pursuant to Section 380.06(19), Florida Statutes, as amended, and the procedures outlined in Section VI.B.1 hereof, whether the delay represents a Substantial Deviation from the Development Order.

5. Section V N.I.C.,(1) of the Development Order dealing with roadway segment thresholds and required commitment dates is hereby amended by adding the three year extension period to each of the dates set forth in Table 2, Part A.

DONE AND RESOLVED THIS 15th DAY OF June, 1993.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Ed Pittman
ED PITTMAN, CLERK
By: Rebecca S. Hank

BY: Ann Hildebrane
ANN HILDEBRANE, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: [Signature]
ATTORNEY

0035



PASCO COUNTY, FLORIDA

Office Of The County Attorney

Tom Bustin
County Attorney

Karla A. Stetter
Brent E. Simon
Eileen M. McGlinchey
Maureen Jones

May 18, 1992

Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702-2491

Re: New River DRI Amendment

Dear Suzanne:

Pursuant to our previous discussions, please find attached an amendment to Resolution No. 92-98 adopting a Development Order for the New River DRI. As you can see, the "Whereas" clauses have been rewritten to reflect the changes made to the Development Order. The date of adoption, however, remains as March 24, 1992.

Thank you for your cooperation with this matter. If you have any further questions, please feel free to call me.

Sincerely yours,

Karla A. Stetter
Chief Assistant County Attorney

KAS:ds

cc: Dean Neal, Senior Planner

mailed 5-29-92
received 6-2-92

AMENDED NEW RIVER DEVELOPMENT ORDER

BY COMMISSIONER _____

RESOLUTION NO. 92-205

AMENDED RESOLUTION ADOPTING A DEVELOPMENT ORDER
APPROVING, WITH AMENDED CONDITIONS, THE NEW RIVER
DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 210)

WHEREAS, in accordance with Section 380.06, Florida Statutes, as amended, FLAG Development Company of Florida, Ltd., has filed an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as NEW RIVER with the Pasco County Development Services Branch; and,

WHEREAS, the Pasco County Board of County Commissioners (the Commission) is the governing body having jurisdiction over the review and approval of Developments of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended; and,

WHEREAS, the culmination of review pursuant to Section 380.06, Florida Statutes, requires the approval, approval with conditions, or denial of an ADA; and,

WHEREAS, a Development Order for the NEW RIVER DRI was adopted by the Commission on January 7, 1992; and,

WHEREAS, on February 20, 1992, the Florida Department of Community Affairs (DCA) filed a Notice of Appeal of the Development Order pursuant to Section 380.07, Florida Statutes, alleging that the transportation provisions were not consistent with the concurrency requirements set forth in the Comprehensive Plan and that the Development Order does not ensure that the regionally significant environmental resources that were identified for preservation in the ADA will actually be preserved; and,

WHEREAS, the parties subsequently communicated to discuss resolution of the issues raised by the DCA and mutually agreed on acceptable language to resolve the issues; and,

WHEREAS, on March 25, 1992, the parties entered into a Stipulated Settlement Agreement and agreed to the full, complete, and final settlement of all claims arising out of the appeal; and,

WHEREAS, on March 24, 1992, the Commission voted to approve an amended resolution adopting a Development Order approving, with amended conditions, the NEW RIVER DRI.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County

The ADA for the NEW RIVER DRI is approved with amended conditions as set forth in the following Development Order, which is hereby adopted by the Pasco County Board of County Commissioners:

NEW RIVER DEVELOPMENT ORDER

I. General Findings of Fact

The Pasco County Board of County Commission makes the following general findings of fact:

A. FLAG Development Company of Florida, Ltd. (the Applicant or Developer), has filed, in accordance with Section 380.06, Florida Statutes, as amended, an ADA for the NEW RIVER DRI and associated responses to requests for additional information, collectively referred to herein as the Application.

B. The nature, type, scope, intensity, density, costs, and general impact of the proposed NEW RIVER DRI, in part, are those which are summarized in Composite Exhibit A (Application for Development Approval [ADA], Sufficiency Responses, and NEW RIVER Subphase Traffic Analysis), the Application, and in Exhibit B, the specific findings of fact contained in Pages 25 through 49 of the Tampa Bay Regional Planning Council (TBRPC) DRI Final Report. Both Exhibits A and B are incorporated into this Development Order by reference.

C. The real property encompassed by the NEW RIVER DRI is owned by FLAG Development Company of Florida, Ltd. A description of the real property is attached hereto as Exhibit C (legal description) and incorporated herein.

D. The Pasco County Comprehensive Plan Future Land Use Map designations for the area subject to the Application are ROR (Residential/Office/Retail), RES-3 (Residential 3 du/ga), and RES-6 (Residential 6 du/ga).

E. The zoning on the property which is subject to the Application is MPUD (Master Planned Unit Development) - Petition No. 4061, approved December 13, 1988, and MPUD Amendment - File No. PL91-257, approved March 12, 1991.

F. On June 17, 1991, the Applicant advised the TBRPC that it was not going to provide additional information and requested that its Application be reviewed based on the information provided. Upon receipt of such notification, the TBRPC initiated the preparation of its DRI Final Report and advised the local government to set a date for a public hearing on the pending Application.

G. Both the Pasco County Planning Commission (the Planning Commission) and the Pasco County Board of County Commissioners (the Commission) have scheduled and held public hearings on October 9, 1991, and January 7, 1992, respectively.

H. Notice of these hearings has been published in a newspaper of general circulation at least sixty (60) days prior to the date set for the Commission hearing.

I. At these public hearings, all parties were afforded the opportunity to present evidence and argument on all issues and to submit rebuttal evidence.

J. Additionally, at these public hearings any member of the general public requesting to do so was given the opportunity to present written or oral communications.

K. The Commission has received and considered the TBRPC DRI Final Report on the Application.

L. The Commission has received and considered the recommendation of the Planning Commission and various other reports and information including, but not limited to, the recommendation of the Pasco County Development Services Branch and the Development Review Committee (DRC).

II. Conclusions of Law

The Commission hereby finds that the NEW RIVER DRI:

A. Will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan and State Land Development Plan applicable to the area encompassed by the Application.

B. As modified by this Development Order, is consistent with the report and recommendations of the TBRPC.

C. Is consistent with the adopted Pasco County Comprehensive Plan (the Comprehensive Plan).

D. Is consistent with the Pasco County Land Development Code (local land development regulations).

E. Is not in an area of critical State concern.

III. Approval Stipulations

A. Specific approval with conditions is granted for Phase I. Conceptual approval with conditions is granted for Phases II and III. Specific approval of Phases II and III shall require amendment of this Development Order after review and approval of an ADA limited to transportation and attendant air quality issues, pursuant to the requirements of Section 380.06(6), Florida Statutes.

B. The requirements of and conditions contained in this Development Order shall regulate the development of the property described in Exhibit C (legal description). Following the adoption of this Development Order, all plans for development on this property shall be consistent with the conditions and restrictions recited herein. Such regulations and restrictions shall be binding upon all Development Order holders of the property.

In the event the Development Services Branch believes a violation of the provisions hereof occurs, the Development Services Branch shall notify the Department of Community Affairs-(DCA) and may issue a notice of noncompliance to the Developer and recommend that the Commission establish a hearing to consider the alleged violation. After

providing the Applicant with an opportunity to be heard, and if it is determined by the Commission that a violation has occurred, all development related to the violation shall cease until the violation has been corrected.

C. All development specifically authorized by this Development Order shall be carried out as described in the Application unless otherwise modified by the provisions hereof.

1. Adverse impacts shall be mitigated as specified in the Application and in this Development Order.

2. The Developer's commitments set forth on Pages 22 through 24 of the DRI Final Report (attached as Exhibit D) shall be honored by the Developer.

D. Development of all phases, as described in the Application, shall be governed by the standards and procedural provisions of the Pasco County Comprehensive Plan in effect at the time of adoption of this Development Order, with the exception of transportation and attendant air quality issues in Phases II and III, which shall be governed by the standards and procedures in effect at the time specific approval is granted. Land development regulations shall be applied in a manner which is consistent with Chapter 163.3194(1)(b), Florida Statutes. In the event of a conflict between future land use regulations and this Development Order, or the Pasco County Comprehensive Plan in effect at the time of adoption of the Development Order, the Development Order or Comprehensive Plan in effect at the time of adoption of the Development Order, as applicable, shall prevail, with the exception of transportation and attendant air quality issues in Phases II and III, in which case, the Development Order and Comprehensive Plan in effect at the time of specific approval of those areas shall prevail.

1. All conditions of the MPUD zoning approved on December 13, 1988, as amended on March 12, 1991, shall remain in effect, except as may be amended by the Pasco County Board of County Commissioners, and, to the extent not inconsistent herewith, are incorporated into this Development Order, by reference, as Exhibit E.

2. The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for twenty-two (22) years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the of the Development Order have occurred, or that the change is based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

E. Development of any phase or subphase of NEW RIVER shall require the issuance of a Certificate of Level of Service Compliance (CLSC), ensuring that adequate infrastructure

exists to serve the proposed phase or subphase and that the proposed development will not cause adverse impacts resulting in a reduction of Level of Service below the adopted minimum acceptable Level of Service standards as set forth in the Pasco County Comprehensive Plan.

F. The property is currently utilized for cattle grazing. Cattle grazing may be continued with no increase in densities or intensity of cattle management, except that cattle grazing will be terminated within the wetland preserves (designated W-6 and W-7) and upland habitat preserves (designated East, Central, West) associated with each of the three parcels (Lakes, Club, Oaks) when any development, as defined in Chapter 380, Florida Statutes, is initiated within that parcel. For purposes of interpretation and enforcement of this paragraph, there are approximately 300 cow/calf units currently grazing on property included in the NEW RIVER DRI. When development is initiated within any of the three parcels (Lakes, Club, Oaks), the wetland and habitat preserves as defined above within that particular parcel shall be fenced with barbed wire. Additionally, the number of cattle on the remainder of the property will be reduced proportionately to the acreage of the preserve areas fenced off so that there will be no increase in densities or intensity of cattle on the remaining acreage. For example: Assume there are 1,800 acres and 300 cow/calf units. If 200 acres of preserve are fenced, that constitutes eleven (11) percent of the total acreage. Therefore, the 300 cow/calf units shall be immediately reduced by eleven (11) percent, which equals thirty-three (33) cow/calf units.
~~The property is currently utilized for agricultural activities. It is understood that, while the use will cease when the DRI is built out, portions of the property will continue to be used for agricultural activities until build-out. There shall be no intensification of or new agricultural activities within preservation and conservation and wildlife management areas.~~

IV. Phasing and Duration

A. Phasing Schedule

1. Development of NEW RIVER shall proceed in accordance with the phasing schedules stated in Table 1 below or subphases thereof. A phase shall be considered complete upon issuance of the final record plat, or where no record plat is required, upon issuance of the final building permit for the phase.

TABLE 1
PHASING SCHEDULE (NOT CUMULATIVE)

Land Use	PHASE			Total
	Ph. I (1996)	Ph. II (2001)	Ph. III (2008)	
Residential* (Dwelling Units)	2,522	2,278	0	4,800
(Single-Family)	(2,069)	(1,835)		(3,904)
(Multifamily)	(453)	(443)		(896)
Retirement Units	(683)	(1,237)		(1,920)
Retail (GFA SF)	150,000	100,000	310,000	560,000
(Acres)	(16.9)	(10.0)	(25.3)	(52.2)
(Parking Spaces)	(750)	(500)	(1,550)	(2,800)
Office (GFA SF)	50,000	70,000	0	120,000
(Acres)	(4.7)	(6.5)	(0)	(11.2)
Golf/Racquet Club (GFA SF)	30,000	0	0	30,000
Clubhouse (GFA SF)	10,000	0	0	10,000
Golf Course (Acres)	135	0	0	135

*Note: Subject to the restrictions of nonretirement/retirement housing mix specified in Section N.1.b. No less than 27 percent of the units within Phase I and 54 percent of the units within Phase II (40 percent cumulative) shall be retirement units.

2. Excess infrastructure capacity constructed to potentially serve Phases II and III of NEW RIVER shall be at the Developer's risk and shall not vest later phase development rights with respect to Section 380.06, Florida Statutes.

B. Duration

1. This Development Order shall take effect forty-five (45) days after its rendition.

2. The duration of the Development Order shall be a period of twenty-two (22) years from its effective date. The effective period may be extended by the Commission upon a showing of good cause and as provided by statute. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

C. Commencement of Development

If physical development of NEW RIVER has not commenced within two (2) years of the effective date of this Development Order, the Commission shall determine, pursuant to Section 380.06(19), Florida Statutes, as amended, and the procedures outlined in Section VI.B.1. hereof, whether the delay represents a Substantial Deviation from the Development Order.

D. Build-out of Phases and Project

Build-out dates of each phase and the entire project shall be as of December 31st of each of the years listed on Table 1 above.

V. Specific Conditions

A. Land Use and Master Development Plan

1. Land use types, intensities, and locations shall be substantially as shown on the NEW RIVER Master Development Plan (Revised Map H, which is incorporated as Exhibit G to the Development Order), dated May 1991.

2. The Developer may use a land use tradeoff mechanism based on the subject residential uses generating equivalent impacts for Phase I. This land use tradeoff mechanism shall only be allowed for residential land uses and must adequately mitigate for residential public facility impacts. Tradeoff of general residential single-family, multifamily, and retirement residential land uses within Phase I, or subphases thereof, shall be permitted in accordance with Section V.N.3., "Tradeoff Mechanism". The Development Order shall be amended to incorporate any land use tradeoff via a Notice of Proposed Change to Pasco County, the TBRPC, and the DCA.

B. Water Quality and Drainage

1. Development of NEW RIVER shall not lower Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan.

2. A homeowners'/land owners' association or other entity (other than Pasco County) with assessment powers, shall be responsible for the operation and maintenance of all privately owned and operated on-site drainage facilities, except as may be specifically determined otherwise by Pasco County during site plan/subdivision review. Said entity shall be identified prior to approval of the final construction plans for any such facility. Further, said entity shall be identified and listed in the next Annual Report after the approval of the final construction plans. If, however, Pasco County establishes a Countywide or areawide stormwater management system, then all on-site stormwater management facilities will become the responsibility of Pasco County, as provided for in any future stormwater management ordinance.

Pr: The stormwater management plan for NEW RIVER or any increment thereof shall be submitted to the TBRPC for review and Pasco County and other appropriate regulatory bodies for review and approval. The following parameters and requirements of the current Pasco County Land Development Code shall be included in the stormwater management plan:

a. The proposed stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4, or 40D-40, F.A.C., and Pasco County stormwater management requirements. Treatment shall be provided by biological filtration wherever feasible.

b. Best management practices for reducing adverse water quality impacts as required by Pasco County and other appropriate regulatory bodies (e.g., a street cleaning program for parking and roadway areas within the development) shall be implemented.

4. In order to protect surface water quality, stormwater exiting the site shall meet all applicable State water quality standards. The Developer shall develop a surface water quality monitoring program to be instituted before construction commences and to continue through project build-out. The following parameters shall be included within the water quality monitoring program:

a. Sampling locations and specific parameters, including frequency (minimum of twice annually) of monitoring and reporting, shall be subject to Pasco County and other appropriate regulatory bodies' approval, and to the TBRPC review and comment.

b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/Florida Department of Environmental Regulation (EPA/FDER) quality control standards and requirements.

c. The monitoring results shall be submitted to Hillsborough County, the FDER, the Southwest Florida Water Management District (SWFWMD), 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 other appropriate regulatory bodies immediately. In the event there is a violation of any State water quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the subbasin shall cease until the violation is corrected.

5. The Applicant shall formulate guidelines for the maintenance of NEW RIVER golf courses that addresses the limited use of herbicides, pesticides, and fertilizers and includes best management practices. These guidelines shall be formulated and implemented in accordance with applicable regulatory requirements and shall be submitted to appropriate regulatory bodies for approval, and to the TBRPC review and comment. Any change in the guidelines shall require approval by Pasco County and other appropriate regulatory bodies, and shall be included in the Annual Report following the change.

6. Planning and development of NEW RIVER shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area.

C. Wetlands

1. Those portions of NEW RIVER which meet the definition of "preservation" and "conservation" areas as defined in the Council's adopted growth policy, Future of the Region, the Regional Comprehensive Policy Plan (adopted July 1, 1987; amended June 1988), Policies 10.1.2 and 10.3.1, and designated on Exhibit F (TBRPC Preservation/Conservation Areas Plan) attached, shall be so designated on all development plans submitted to Pasco County for approval. The specific limits of wetlands areas shall be as finally determined by the appropriate wetland permitting regulatory body.

2. In order to protect the natural values of preserved/conserved wetland areas, prior to development plan approval for any phase or subphase, the Applicant shall submit a wetland/lake management plan to the TBRPC, the FDER, and the SWFWMD for review, and to Pasco County for approval. The plan shall address, but not be limited to, control of exotic species, mitigation of impacted wetlands, control of on-site water quality, and methods for wetland restoration/enhancement. The wetland/lake management plan may be approved as part of the Master Drainage Plan.

3. No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in preservation areas as identified on the TBRPC Preservation/Conservation Areas Plan (Exhibit F). Existing annual hydroperiods, normal pool elevation, and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be commenced prior to on-site construction activity and continue for three (3) years following build-out of the subbasin surrounding each wetland monitored. Hydroperiod monitoring shall be conducted in accordance with the approved wetland/lake management plan. Monitoring sites shall be selected in cooperation with Pasco County and other appropriate regulatory bodies, and reviewed by the TBRPC. If it is determined by the appropriate jurisdictional entity that preservation areas are being stressed due to project development activities, such development activity shall cease until a plan of remediation to correct the hydroperiod imbalance is agreed upon and any action required by the plan is initiated. The results of the monitoring activity shall be included in each Annual Report.

4. Natural buffering (wetland setbacks) around all wetland preservation and conservation areas shall be as required, pursuant to the regulations current at the time of this Development Order approval, or the FDER or the SWFWMD regulations at the time permits are obtained, whichever is more restrictive, to provide an upland transition into the wetland areas and to protect the natural system from development impact.

5. No clearing, dredging, filling, or development activities shall be allowed within designated TBRPC preservation areas, except for necessary road and infrastructure construction, and elevated boardwalks for pedestrian and golf course use. Filling of preservation areas shall not be the result of golf course or parcel configuration.

6. All wetland losses shall require successful 1:1, in-kind, wetland replacement at a minimum. Mitigation for wetland losses shall be implemented prior to, or concurrent with, wetlands being disturbed. Enhancement or restoration of overdrained and stressed wetlands may be considered, by the appropriate regulatory body, in lieu of replacement.

7. Existing wetlands, which are permitted to be altered or eliminated, should be used as donor material for revegetation or mitigation areas where feasible.

8. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the appropriate permitting agency. Monitoring of mitigation areas and littoral shelves shall include species diversity, composition, and regeneration, as well as exotic species encroachment control. Mitigation shall not be deemed complete, unless an eighty-five (85) percent survival of planted species is maintained at the end of three (3) years. All monitoring reports required by permits issued by the appropriate regulatory bodies shall be submitted to the TBRPC and Pasco County for the previous year at the time of each Annual Report.

9. Wetland mitigation area shall not be located in designated upland habitat preserves.

D. Flood Plain/Disaster Preparedness

1. Elevations for all habitable structures shall be at, or above, a 100-year flood plain elevation. All preliminary/site plan submittals shall show 100-year flood elevations. Roadways providing access to residential areas shall be at, or above, Pasco County-required flood plain elevations as identified in the Pasco County Land Development Code.

2. No fill shall be added within the 100-year flood plain without storage compensation. There shall be no impervious surfaces, except for roadways and appurtenances incidental thereto and pedestrian and bicycle paths, constructed within the twenty five (25) year flood plain.

3. Prior to the approval of any mobile home development, the Developer shall submit a Notice of Proposed Change, pursuant to Chapter 380.06(19), Florida Statutes, and amend the Development Order to incorporate said change.

E. Vegetation and Wildlife

1. The areas identified as "upland preserves" (Revised Exhibit 1 in the NEW RIVER Wildlife Management Plan) shall be preserved from future development, except as provided in E.3. below.

2. The NEW RIVER Wildlife Management Plan dated April 9, 1991, (revised June 7, 1991) is hereby incorporated into the Development Order by reference as Exhibit II. Any change to the Plan shall be subject to a Section 380.06, Florida Statutes, Substantial Deviation determination. Habitat preservation for all species of special concern, threatened species, and endangered species, found on tracts planned for development shall be deemed complete by compliance with the Management Plan when implemented. Reasonable access to undeveloped areas of the project shall be given to conduct an appropriate follow-up survey for species of special concern, endangered species, or threatened species should such a need for continued surveys be determined necessary by the FGFWFC.

3. No dredging, filling, or development activities shall be allowed within the three (3) designated upland habitat preserves and the two (2) wetland habitat preserves designated as wetlands W-6 and W-7 on Figure 16-1 of the DRI/ADA, except for underground utility crossings and piped drainage conveyances, which will be installed and maintained in such a manner so as to avoid adverse impacts to the preserve.

4. Any proposal to change Master Development Plan designated preservation uses, as shown on Exhibit "F", shall be a substantial deviation.

F. Historical and Archaeological Sites

Any historical or archaeological resources, other than the previously identified lithic and artifacts scatter sites, discovered during development activities of NEW RIVER, shall be immediately reported to the Florida Division of Historical Resources and Pasco County, and treatment of such resources shall be determined in cooperation with the Florida Division of Historical Resources and Pasco County. Treatment of resources, as required by law, must be completed before resource-disturbing activities are allowed to continue.

G. Land

1. The measures to reduce soil erosion and fugitive dust, referenced on Page 14 of the Application shall be implemented.

2. Prior to commencing development of any phase, the Developer shall provide the Pasco County Survey/Engineering Services Department with one pair of Global Positioning Satellite (GPS) control points with twenty-four (24)-hour access. The location shall be mutually determined by the Developer and the County Surveyor. The Developer's existing survey shall be valid for permitting purposes until final plat approval is requested. All

final plats will be referenced from this point (F.A.C. 21HH-6). All GPS points shall be installed per F.A.C. 21HH-6.

H. Air Quality

1. Specific approval of Phases II and III of NEW RIVER, as proposed in the Application, shall be contingent upon Chapter 380.06(6), Florida Statutes, as amended, air quality review and approval, which shall be initiated with submittal of an ADA as provided in Paragraph III.A. above. If any adverse air quality impacts are identified as being caused by NEW RIVER, this Development Order shall be amended to incorporate conditions for curing or mitigating such impacts.

I. Economy

1. The Developer shall encourage the development and promotion of a day-care system.

2. The Developer shall encourage entrepreneurship and small and minority-owned business start ups, and provide for nondiscriminatory employment opportunities within NEW RIVER.

J. Utilities: Water Supply, Wastewater Treatment, and Electric Power Services

1. Water, wastewater, and reclaimed water services will be provided by Pasco County, in accordance with Pasco County water use and sewer use ordinances, as amended. The Developer shall construct all water and wastewater facilities within the development to Pasco County standards, current when application is made for connection, in accordance with an approved Master Utility Plan and any utility service agreement(s) for NEW RIVER.

2. Development of NEW RIVER shall not lower delivery of water and wastewater utility service below the acceptable Levels of Service established in the Pasco County Comprehensive Plan. Documentation of adequate capacity to serve the project shall be obtained from Pasco County and shall be reported in the Annual Report for the year in which application for service is made.

3. NEW RIVER sewer collection and transmission lines not required to be dedicated to Pasco County shall be monitored for leaks and ruptures on a triannual basis by the Developer, or by a homeowners'/landowners' association, and a homeowners'/landowners' association with assessment powers, subsequent to Developer control. Faulty lines shall

4. An acceptable plan shall be submitted to Pasco County for approval, to the West Coast Regional Water Supply Authority, the TBRPC, the FDER, and the SWFWMD for review for the use of nonpotable water on-site for irrigation. The plan shall be completed, submitted, and approved prior to the issuance of the first preliminary/site plan approval. The plan shall include an implementation schedule. The plan shall require use of the

lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water and groundwater. Potable water (i.e., water that is treated and provided through a public distribution system) shall not be used for the irrigation of common areas.

5. Water saving fixtures shall be required in the project, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes), and xeriscape type landscaping shall be used to the greatest extent feasible.

6. The planning and development of NEW RIVER shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area.

7. Prior to construction of any phase or subphase, assurance of adequate water supply capacity and wastewater capacity for that phase or subphase must be provided. Said assurance shall include adequate water supply for firefighting purposes.

K. Solid/Hazardous Waste

1. The collection, transportation, and disposal of solid waste is controlled by County ordinances and shall take place in accordance with the terms thereof.

2. Development of NEW RIVER shall not lower delivery of solid waste collection/disposal beyond the acceptable Levels of Service established in the Pasco County Comprehensive Plan. Documentation of adequate disposal capacity, including assurance of adequate hazardous waste and material disposal, to service the project shall be obtained from Pasco County or other appropriate entities, and shall be reported in the Annual Report for the year in which application for service is made.

3. The commercial/office area shall provide to their associated businesses information that:

a. Indicates which types of waste and materials are considered to be hazardous and are to be stored or disposed of only in the specially designated container/areas; and

b. Describes construction requirements for hazardous waste holding areas; and

c. Advises of applicable statutes and regulations regarding hazardous waste and materials.

Developer shall adhere to all Federal, State and local laws and regulations concerning hazardous materials.

L. The Developer shall notify all tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA) and shall be documented in each Annual Report.

M. Energy

1. The energy conservation measures referenced on Page 25-2 of the ADA shall be implemented.

2. All NEW RIVER tenants, businesses, and residents shall be encouraged, where economically feasible, to:

a. Use energy alternatives, such as solar energy, waste heat recovery, and cogeneration;

b. Use landscaping, building orientation and building construction, and design to reduce heat gain;

c. Work with or designate an energy officer to establish energy policies, monitor energy use, and encourage conservation by project businesses. Energy audits by the Withlacoochee River Electric Cooperative may fulfil part of this requirement;

d. Institute programs to promote energy conservation by employees, buyers, suppliers, and the public;

e. Institute recycling programs;

f. Reduce levels of operation of all air conditioning, heating, and lighting levels during nonbusiness hours;

g. Eliminate advertising requiring lighting after business hours; and

h. Install total energy systems where cost effective.

3. A report on the implementation of, and participation in, these and other energy programs shall be included in each Annual Report.

N. Transportation

1. Approval - Specific approval is provided for Phase I of NEW RIVER, as defined herein. Phases II and III of NEW RIVER are subject to review pursuant to Chapter 380, Florida Statutes, as amended, for the transportation impacts of each phase and shall require review and approval of an ADA through a Development Order Amendment to establish the conditions for mitigating these impacts. The following conditions are established for purposes of mitigating Phase I impacts. Issuance of development permits by the County for the project shall require a determination by the County of compliance with the conditions set forth herein.

For the purposes of this Order, funding commitments shall include the placement of construction monies for the improvements in the adopted Five-Year Capital Improvement Element of the Pasco County Comprehensive Plan or the adopted Florida Department of Transportation Five-Year Work Program, provided that the required transportation facility is scheduled to be commenced within the first three (3) years. Any other funding commitments can be in the form of enforceable developer's agreements; however, in all such

cases, the necessary improvements shall be in place when the impacts of development occur
can be either in the form of financial contributions or contributions in aid of construc-
tion or Developer's commitments for actual construction in accordance with a developer
agreement pursuant to Chapter 163, Florida Statutes, requiring commencement of construc-
tion within three (3) years of the date of the agreement and, if necessary, amendment of
this development order, completed construction by any public or private entity, or the
placement of improvements in the Transportation Improvements Work Programs of the Pasco
County (the County); or the State of Florida (the State); to the extent authorized by the
Pasco County Land Development Code; or any other funding mechanism approved by the County;
or any combination of the foregoing. In order for any funding commitment described above
to be valid, the construction dollars for the needed improvement must be committed within
the time period as required by the Pasco County Comprehensive Plan; as it may be amended;
however, said commitment shall not exceed a time period of three (3) years from the need
for the improvement and construction of any such improvement shall begin within three (3)
years.

b. Phase I development is described as follows:

PHASE I SPECIFIC APPROVAL

PARCEL ONE (LAKES)

<u>Land Use</u>	<u>Size</u>
Single-Family	610 d.u.
Multifamily	120 d.u.
Racquet Club	10,000 s.f.
Office	50,000 s.f.
Retail	125,000 s.f.

PARCEL TWO - RETIREMENT (CLUB)

<u>Land Use</u>	<u>Size</u>
Single-Family	550 d.u.
Multifamily	133 d.u.
Golf Course	135 ac.
Golf/Racquet Club	20,000 s.f.

PARCEL THREE (OAKS)

<u>Land Use</u>	<u>Size</u>
Single-Family	909 d.u.
Multifamily	200 d.u.
Clubhouse	10,000 s.f.
Retail	25,000 s.f.

c. The Developer may proceed with the development anywhere within Phase I, or a subphase thereof, under the conditions set forth below. The following option may be utilized with the County's prior approval.

Option 1

(1) Subphasing

Regional Roadways - The Developer shall proceed with subphases, based on the need to maintain Level of Service standards on the roadways identified in Table 2. Specific approval is granted for the first subphase for up to 547 primary single-family units (nonretirement) or equivalent land uses. Capacity for 547 units is hereby reserved on the County's Concurrency Management System. Before proceeding further and prior to approval of each additional subphase or the date of required commitment listed in Table 2, the County shall make a determination that adequate commitments, as defined in N.I.a. above, are provided for roadway improvements identified in Table 2, and that all roadways in Table 2 will operate at the Levels of Service specified in Table 2. In no case shall the subphases exceed the impacts identified in the ADA for Phase I of the development (2,392 PM peak hour external trips). The DRI traffic analysis, which is consistent with the requirements of Chapter 380.06, Florida Statutes, provides an acceptable "detailed analysis" pursuant to the Pasco County Comprehensive Plan and compliance with said analysis findings ensures Level of Service compliance for regional roadways. For the purposes of this Development Order, Level of Service Compliance Review for regional roadways shall be based upon compliance with Table 2. Roadways that are considered to be regional for purposes of this review shall be the following: I-75 (S.R. 93), U.S. 301 (S.R. 41), U.S. 98 (S.R. 35), U.S. 41 (S.R. 45), U.S. 19 (S.R. 55), S.R. 52, S.R. 54, C.R. 54, S.R. 39, C.R. 471, C.R. 579, C.R. 578, C.R. 577, C.R. 581, C.R. 35A, Chancey Road, S.R. 471, C.R. 595, C.R. 587, C.R. 583, S.R. 597, Little Road (C.R. 1), Alternate U.S. 19 (S.R. 595). This list is established based upon the Regional Roadway Map as approved by the TBRPC.

TABLE 2
PART A

ROADWAY SEGMENT THRESHOLDS AND REQUIRED IMPROVEMENTS

Segment Number	Roadway	From	Roadway Segments To	LOS Standard	PM Peak Hour External Trips	Date Commitment Is Necessary	Required Roadway Improvement
1	S.R. 54	C.R. 581	C.R. 577	D	727	12/92	4-Lane Divided Rural
2	S.R. 54	I-75	C.R. 581	D	749	1/93	4-Lane Divided Rural
3	S.R. 54	W. Site	E. Site	D	999	6/93	4-Lane Divided Rural
4	S.R. 54	E. Site	New River	D	999	6/93	4-Lane Divided Rural
5	S.R. 54	New River	C.R. 579	D	1,014	7/93	4-Lane Divided Rural
6	S.R. 54	Pasco	I-75	D	1,034	8/93	4-Lane Divided Rural
7	S.R. 54	C.R. 577	W. Site	D	1,062	9/93	4-Lane Divided Rural
8	S.R. 54	C.R. 579	Dean Dairy	D	1,340	3/94	4-Lane Divided Rural
9	S.R. 54	S. Allen	2nd	D	1,684	10/94	4-Lane Divided Urban
10	C.R. 581	S.R. 54	County Line Road	D	2,210	9/95	4-Lane Divided Rural
11	S.R. 54	Dean Dairy	S. Allen	D	2,392	12/95	4-Lane Divided Urban

NOTE:

- The number of New River PM Peak Hour new external vehicle trips that can access the regional roadway prior to requiring road segment improvement.
- In no event shall the number of PM peak hour external trips exceed 2,392 PM Peak Hour vehicle trips for Phase 1.
- Date when an adequate commitment to make the required improvement must be made.

TABLE 2
PART B
NEW RIVER DRI
PHASE ONE
INTERSECTION IMPROVEMENTS

<u>Corresponding</u> ⁽¹⁾ <u>Road Segment</u>	<u>Location</u>	<u>Improvements</u> ⁽¹⁾
2	S.R. 54 at Pasco Road	Signalize S.R. 54 as 4L WB Right
2	S.R. 54 at I-75 (West)	Signalize S.R. 54 as 4L
3	S.R. 54 at I-75 (East)	Signalize S.R. 54 as 4L
1	S.R. 54 at C.R. 581	Signalize S.R. 54 as 4L C.R. 581 as 4L
1	S.R. 54 at C.R. 577	Signalize S.R. 54 as 4L
7	S.R. 54 at C.R. 579	Signalize S.R. 54 as 4L
8	S.R. 54 at Dean Dairy	S.R. 54 as 4L
8	C.R. 579 at Chancey	Signalize

NOTE: (1) Intersection improvements correspond with link improvements identified in Table 2, Part A. These improvements will be provided to the intersections, with the roadway segment improvement. New signalization will be provided subject to MUTCD warrants.

TABLE 2
PART C
SITE INTERSECTION IMPROVEMENTS

<u>Location</u>	<u>Improvements</u> ⁽¹⁾
S.R. 54 at New River Lakes at West Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out
S.R. 54 at New River Lakes at Commercial Dr.	Signalized S.R. 54 as 4L
S.R. 54 at New River Lakes at East Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out
S.R. 54 at New River Country Club at West Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Country Club at East Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at West Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at East Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out

NOTE: (1) Signalization shall be provided subject to MUTCD Signal Warrants. Access improvements will be made consistent with site development.

Local roadways - Level of Service Compliance for nonregional (local) roadways shall be required in accordance with Pasco County's Concurrency Management System. Increments may be smaller than the subphases identified in Table 2 for regional roadways. Any Certificate of Level of Service Compliance shall be consistent with the terms of this Development Order, and in no case will Certificates of Level of Service Compliance be issued for development which exceeds the subphase funding commitments authorized under Table 2 for regional roadways.

(2) Level of Service Monitoring - In the event that funding commitments for transportation improvements are adequate to permit only the development of a portion of the phase or subphase, the Developer shall have the option to submit to the County, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, updated traffic counts on the regional roadways listed in Table 2, which do not have commitments for required transportation improvements. The Developer shall further submit projections of traffic volumes that will include the currently approved project development, plus the volumes to be generated by the next portion of development for which the Developer is seeking approval and future background traffic. At the time of submission, the Developer shall confirm that sufficient roadway capacity exists on affected roadways. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities at or above peak hour LOS standard. Any changes to Table 2 shall be implemented by an amendment to this Development Order.

2. Credits - The Developer is eligible to apply for impact fee credits pursuant to Chapter 380.06(16), Florida Statutes, and Pasco County Ordinance No. 90-04, as it may be amended, and the Developer shall receive credits as authorized by the Ordinance.

Pursuant to the DRI Transportation Analysis and in accordance with the County Transportation Impact Fee Ordinance (Ordinance No. 90-04, as amended), Pasco County hereby finds that transportation impacts resulting from NEW RIVER proposed development will occur within more than one (1) impact fee zone. Allocation of fees shall be in accordance with said Ordinance, as amended.

3. Tradeoff Mechanism - In accordance with the limits established in R.2. and Table 1, the Developer shall be permitted to tradeoff a portion of the general residential and retirement residential, and single-family and multifamily land uses in the development, so long as the change does not increase the PM peak hour directional traffic of the development for Phase I, or subphases, as defined by development thresholds requiring roadway improvements in Table 2. External trip generation rates provided in Table 3, shall be used to tradeoff between the residential land uses. The Developer shall prepare

a request for tradeoff for review and approval by the County, which demonstrates that the change in the relative amounts of approved residential land uses will not create additional PM peak hour traffic beyond that approved for the Phase I of the development or a subphase thereof.

4. Transportation Systems Management Program - The Applicant shall prepare and implement a Transportation Systems Management (TSM) program, prior to issuance of Certificates of Occupancy for Phase II development, which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Phase II traffic analysis. The plan shall be reviewed by the County MPO staff, the TBRPC and the Florida Department of Transportation (FDOT), as appropriate.

The TSM program shall include yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates that the total peak hour trips exceed projected trips by more than ten (10) percent, the County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and, if applicable, amend the Development Order to change TSM objectives and/or require additional roadway improvements. The result of the TSM study may serve as a basis for the Developer, or reviewing agencies, to request Development Order amendments.

In addition, this TSM program shall be developed in cooperation with the FDOT, the Pasco MPO, and the TBRPC. This program shall seek to implement the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

Objectives:

-- Increase urban area peak hour automobile occupancy rates by ten (10) percent by 1995 through expanded ridesharing efforts.

-- Increase peak hour occupancy rates for transit and other high occupancy vehicles by twenty (20) percent by 1995".

TO: Pasco County Planning Commission

TON #4061

Frederick J. Lowndes

Commission District #2

FROM: Frederick J. Lowndes
Assistant Planning & Zoning Director

Planning Commission
Hearing Date: 12/7/88

SUBJECT: Rezoning Request
Southeast Pasco County
(Cont. from 11/16/88, PC)
(Cont. from 11/22/88, BCC)

Board of County Commissioners
Hearing Date: 12/13/88 (DC)

APPLICANT: Fling Development Co. of Fla., Inc.;
Bill R. and Anne C. Brown

Board of Zoning Adjustment
Hearing Date: N/A

PETITION SUMMARY

Petition #4061 in the name of Fling Development Co. of Fla., Inc.; Bill R. and Anne C. Brown has been filed for a change in zoning from an A-C (Agricultural) District to an MPUD (Master Planned Unit Development) District. The property is located on the north side of S.R. 54, approximately 1,100 feet east of Foxwood Blvd., and extending east approximately 1-3/4 miles (Sections 10, 11, 12, 13, 14, and 15, Township 26 South, Range 20 East), and contains 1,800.9 acres, m.c.l.

The surrounding zoning districts and land uses are as follows:

<u>Zoning District</u>	<u>Land Use</u>
North: A-C (Agricultural)	- Single-Family; Pastureland
East: A-C (Agricultural)	- Single-Family; Pastureland and Groves
South: C-2 (General Commercial) C-1 (Neighborhood Commercial) R-III (Mobile Home) A-R (Agricultural-Residential) A-C (Agricultural)	- S.R. 54; Single-Family Dwellings (Foxwood Subdivision)
West: R-4 (High Density Residential) C-2 (General Commercial)	- Undeveloped

FINDINGS OF FACT

1. Presently, the subject site contains three single-family homes and a shed, and the applicant proposes to develop the property as a planned residential community with ancillary commercial.
2. Access to the property is from S.R. 54, which has 24 feet of pavement and 100 feet of right-of-way, by survey.
3. The subject property may be located in an identified 100-year flood prone area. Development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance 87-11.
4. The surrounding area is characterized by farms and pastureland.
5. The proposed request is consistent with the Pasco County Comprehensive Plan and Article XXV, Section 25.2(E), of the Zoning Ordinance.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

See attached list of Conditions

PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 10 Ayes; 0 Nays
 Denial of Staff Recommendation: Ayes; Nays

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

1. Development shall be in accordance with the application, plans, and information submitted October 1, 1988, unless otherwise stipulated or modified herein. Eight copies of a revised Master Development Plan and eight copies of a revised accompanying narrative shall be submitted to the Planning and Zoning Department for review and approval within 12 months of approval of the Master Planned Unit Development zoning or prior to filing the Application for Development Approval, whichever happens first, and prior to the first preliminary/site plan approval. The Planning and Zoning Department will submit said revised Plan and narrative to the Development Review Committee for approval when the revisions are complete. The revised plan shall incorporate the following conditions:

a. Master Development Plan

- (1) The number of median cuts to project entrances from State Road 54 shall be limited to five, four of which are depicted on the Master Development Plan, and relocated as follows:
 - (a) The main access to Parcels 3 and 4 shall be opposite the proposed secondary entrance to Fox Ridge, with the secondary entry to Parcel 3 opposite the proposed main entrance to Oak Village Lakes.
- (2) Realignment of the internal roads as follows:
 - (a) Eliminate the crossing of the New River between Parcels 2 and 3; access the easternmost internal loop road entirely through Parcel 2.
 - (b) Creation of service roads paralleling State Road 54, connecting Parcel 1 to Parcel 2 and Parcel 3 to Parcel 4, respectively.
- (3) Replotting the zoning, land uses, and existing and proposed accesses on the south side of State Road 54.
- (4) Change notes and development standards to be consistent with required changes on the Master Development Plan.
- (5) Proposed right-of-way dedication along State Road 54.
- (6) Two stub-outs shall be provided along the northern property boundary. The easternmost stub-out (from the retirement community) shall be for emergency access purposes only and barricaded appropriately. The westernmost stub-out (from the nonretirement community) shall be a local public street.
- (7) The location of existing Barnes Road in relation to the northern property boundary.

b. Project Narrative

- (1) Page 4: Change to indicate that a traffic study will be provided at the time of submittal of the Development of Regional Impact Application for Development Approval. Change the average daily sewage flows to 150 and 200 gpd/unit for multifamily and single family respectively. Reduce the projected demand accordingly.
- (2) Page 5: Change 0.5 mgd (fourth line, second paragraph) to 0.8 mgd.
- (3) Page 8: Limit the gross density according to the adopted Pasco County Comprehensive Plan, using the formula for wetlands density credits contained herein, except to the extent development rights have accrued under law.
- (4) Page 10: Limit the maximum allowable floor area ratio to .23 according to the adopted Pasco County Comprehensive Plan, except to the extent that development rights have accrued under law. Specify that the proposed gross square footage for each commercial parcel is gross floor area, rather than gross leasable area.

Preliminary plan must be approved for an on single-family fee simple increment/parcel prior to any phased construction drawing approval. Pursuant to Condition 20 below and the design and density regulations of this approval, the maximum number of units and the density of each residential increment shall not exceed limits permitted by the Master Development Plan. A subphasing plan must also be approved by the Zoning Administrator for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any site plan approvals. Each site plan must substantially conform to the approved subphasing plan. Preliminary/site plan submittals shall also include the accumulative number of residential units or total gross floor area (g.f.a.) of commercial space which has received preliminary/site plan approval and is constructed or record plated.

Open Space/Buffering

3. The wetlands (conservation/preservation areas) shall be delineated by the Florida Department of Environmental Regulation consistent with Policies 10.1.2 and 10.3.1 of the Tampa Bay Regional Planning Council's Future of the Region. Initial or estimated jurisdictional boundaries shall be shown on each preliminary/site plan. Final jurisdictional wetlands shall be platted or preserved as conservation/preservation areas, except as modified by Condition 4 below. Final wetlands limits shall be shown on final construction plans following appropriate permit approvals. Adjustments of wetlands limits may require corresponding amendments of previously approved preliminary/site plans.
4. Lot lines shall not extend within wetland areas except as approved by the Development Review Committee. Ownership and maintenance of conservation/preservation areas shall be provided by the mandatory homeowners'/property owners'/condominium owners' association.
5. The developer shall create a mandatory homeowners'/property owners'/condominium owners' association in the form of a nonprofit corporation, registered with the Secretary of State, State of Florida. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, and other special purpose tracts. All incorporation and other relevant documents shall be submitted to the Engineering Services Department for review prior to the record platting of the first unit or phase within the development.
6. A unifying landscape plan for all internal major roads (e.g. all project entrances and internal collector streets) shall be provided to the Development Review Committee for approval and may be submitted in phases for review and approval simultaneously with each preliminary/site plan submittal. Approval of the landscape plan will obviate the need to strictly comply with the requirements of Sections 23.3 of the Pasco County Zoning Ordinance.
7. The developer shall comply with the provisions of the Pasco County Tree Ordinance (#81-10). It is the intent of this condition to encourage the preservation of individual trees and/or groupings of trees whose size, location, species, and environmental function warrant their protection as public resources.
8. The developer shall donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments. Land donations and/or fee payments for the proposed 4,841 residential units shall be made at the rate of one acre per 100 units or \$100.00 per unit. Any park sites so donated shall include a minimum of 20 acres and shall consist entirely of nonjurisdictional areas. Land donations shall occur prior to the first record plat approval, or if no record plat is required, prior to issuance of the first building permit. The location shall be mutually determined by the Pasco County Parks and Recreation Department and the developer. Fees in lieu of donation shall be paid at the time of record plat approval, or if no record plat is required, at the time of the first building permit issuance. The developer shall also provide to the County a \$50.00 per unit (unless modified by Ordinance) park service fee prior to the first record plat approval for each increment, or where no record plat is required, prior to the first building permit for each increment.

Transportation/Circulation

The developer shall either dedicate/donate or transfer by fee simple deed to the County, unless otherwise specified herein, the appropriate amount of right-of-way for the internal and abutting roadways. Sufficient right-of-way shall be dedicated so that the typical roadway meets Florida Department of Transportation standards as follows:

(1) Public streets:
70 foot (60 foot with closed drainage).

(2) Local public streets:
50 foot for all local streets.

(3) Private streets:

Access easements sufficient to contain pavement, curbs, and required necessary zone. The entire access easement shall be platted as separate tract.

b. Additional right-of-way (not to exceed a total half width of 105 feet from centerline) along S.R. 54. Within 90 days of final approval of the Development of Regional Impact Development Order, the first 60 feet thereof shall be donated and the remaining 45 feet shall be conveyed as a perpetual easement. No improvements other than nonrequired landscaping shall be located in right-of-way perpetual easement. To the extent that conveyed right-of-way decreases the proposed Master Development Plan commercial acreage/intensity or residential acreage/density, the developer may transfer or relocate the above-referenced decreases elsewhere on site.

c. Intersections.

(1) Internal roads.

Additional right-of-way as determined by the Development Review Committee.

(2) External roads.

Additional right-of-way as determined by the Development Review Committee.

The transfer of right-of-way for internal public roads shall be at either the time of record plat of the abutting increment; or where no record plat is required, at the time of site plan approval. The developer shall provide all necessary documents and/or information pertaining to the above-mentioned transference of right-of-way to the Pasco County Real Estate Division prior to any preliminary plan approvals. Reductions in right-of-way may occur, if approved by the County, if road stormwater drainage is accommodated - e.g., may include urban roadway designs with a stormwater sewer system or stormwater easements into retention areas within adjoining increments.

10. The developer shall make the necessary roadway and intersection improvements as identified below:

a. Design and improve/construct the following roadways to the indicated functional classifications:

Project access roads off State Road 54, internal loop roads, as shown on the Master Development Plan as collectors, at minimum.

All other roads as local streets.

All private streets within the development shall be constructed to Pasco County Engineering Services Department standards:

Collector streets - 32-foot total pavement section (28-foot pavement width, which may include bike lanes as referenced in Condition 11 below, plus two-foot curbs).

Local streets - 26-foot total pavement section (22-foot pavement width plus two-foot curbs).

Inverted crowns may be used in nonfee simple residential areas only upon approval of the Development Review Committee.

b. Access.

(1) Vehicular access rights shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment along all nonlocal roads within or adjoining the project.

TABLE 3
TRIP GENERATION⁽¹⁾
FOR
DEVELOPMENT SUBPHASING AND PROJECT MONITORING

<u>Land Use</u>	<u>Trip Rate Per Unit</u> ⁽²⁾			<u>External P.M. Peak Hour</u>		
	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Residential S.F.	.63	.37	1.00	.53	.27	.80
Residential M.F.	.46	.22	.68	.38	.16	.54
Retirement Com. ⁽³⁾	.157	.123	.28	.157	.123	.280
Office	.36	1.84	2.20	.30	1.46	1.76
Retail	3.28	3.41	6.69	2.15	2.31	4.46
Racquet Club	.50	1.00	1.50	.20	.40	.60
Club House	.50	1.00	1.50	.20	.40	.60

NOTES:

- (1) Rate incorporates internal capture as documented in the ADA.
- (2) Units = Dwelling Unit/1,000 Square Feet GLA.
- (3) The initial trip generation rate for the retirement community (NEW RIVER COUNTRY CLUB) is based on ITE Trip Generation Report Fifth Edition Retirement Communities. Upon approval of an analysis methodology by the County and TBRPC, the Developer shall undertake a trip generation study of the actual trip generation of the retirement community. Said study shall be initiated following issuance of 500 retirement dwelling unit Certificates of Occupancy. Additional studies may be undertaken periodically thereafter. The study shall establish a PM peak hour directional trip generation rate by residential unit for the retirement community which includes residential dwelling units and support land uses which are part of the retirement community. The findings of the trip generation study as approved by the County will be used to replace the retirement dwelling unit and support land uses trip generation rate and tradeoff matrix. The results of the study shall be incorporated by an amendment to the Development Order pursuant to Section 380.06(19) Florida Statutes.

TRADEOFF MATRIX

<u>Land Use From</u>	<u>To</u>	<u>Dwelling Units*</u>
Gen Res S.F.	Gen Res M.F.	1.48
Gen Res S.F.	Retirement D.U.	2.86
Gen Res M.F.	Gen Res S.F.	.67
Gen Res M.F.	Retirement D.U.	1.93
Retirement D.U.	Gen Res S.F.	.35
Retirement D.U.	Gen Res M.F.	.52

*Based on Peak Directional External Traffic

5. Annual Monitoring - Annual monitoring will commence when Building Permits have been issued for development which is projected to either generate 582 PM peak hour vehicle trips (based on trip generation data provided in Table 3). The annual monitoring program, with a methodology approved by Pasco County and the TBRPC, shall provide PM peak hour traffic counts at the project entrances to verify that the projected number of external trips for the development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in each required Annual Report. If the Annual Report indicates that actual trips exceed projected counts by more than ten (10) percent, the County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes, as amended, and shall, if applicable, amend this Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, as amended, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

6. Access Management - Access for NEW RIVER shall substantially conform to the conditions of MPUD zoning approval, as such conditions relate to median cuts and project entrances. However, in the plan approval process, the Developer may propose, and the County may approve, modifications to such access conditions provided the modifications enhance, or do not otherwise degrade, the operating Level of Service of the affected roadway segment. Additional modifications may be proposed by the Developer, and approved by the County, upon demonstration that such modifications are consistent with good traffic engineering principles and will enhance the safety of the traveling public. Furthermore, any access to State roadways shall require the FDOT's approval.

0. Educational Facilities

1. The Developer shall be obligated within a period of five (5) years from the date of approval of this Development Order to perform one (1) of the following requirements:

a. The Developer shall contribute a fifteen (15)-acre parcel to be located within NEW RIVER with adequate infrastructure (roadway, utilities) that is suitable and acceptable to the Pasco County School Board, for the purposes of locating an elementary school; or

b. The Developer shall pay to the Pasco County School Board the sum of \$57,433.00 (Fifty-Seven Thousand, Four Hundred Thirty-Three Dollars and 00/100), which

amount is to be used toward the purchase of an elementary school site to service the NEW RIVER project.

The Developer shall receive credit for the above contribution against any future education impact fees.

2. Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designated, and developed as an adult community, pursuant to the assumptions of the ADA and Section 760.29, Florida Statutes. The Developer shall comply with all Federal and State statutes in establishing these deed restricted adult communities.

P. Recreation and Open Space

1. Development of NEW RIVER shall not lower delivery of parks and recreation services below the acceptable Levels of Service established in the Pasco County Comprehensive Plan.

2. The Developer shall either donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments to mitigate for NEW RIVER parkland impacts. Land donation and/or fee payments for the proposed number of residential units shall be made at the rate of one (1) acre per 100 units or \$100.00 (One Hundred Dollars and 00/100) per unit. Any park sites so donated shall include a minimum of twenty (20) acres and shall consist entirely of nonjurisdictional upland areas. Land donations shall occur prior to the first project record plat approval or, if no record plat is required, prior to the issuance of the first project building permit. Park location shall be mutually agreed upon by the Pasco County Parks and Recreation Department and the Developer. Fees in lieu of donation shall be paid at the time of record plat approval or, if no record plat is required, at the time of the first building permit issuance. The Developer shall also provide to the County a \$50.00 (Fifty Dollars and 00/100) per unit (unless modified by Ordinance) Park Service Fee, prior to the first record plat approval for each increment or where no record plat is required, prior to the first building permit for each increment.

3. Public park and recreational facilities shall be accessible to the elderly, handicapped, and economically disadvantaged as required by law.

4. Prior to commencement of construction of any phase or subphase, the entity(ies) responsible for the maintenance of all parkland and open space areas within that phase or subphase shall be identified. Changes of the responsible entities shall be subject to the approval of Pasco County. Responsible entity(ies) identified shall be stated in the first Annual Report following each phase or subphase approval.

5. Prior to construction permits being issued to the Developer for any phase or subphase which contains any public or private parks, open space, or golf courses

designated by the Developer on the Master Development Plan, those open space uses shall be restricted to remain as an active or passive recreational open space amenity.

6. All golf cart and pedestrian golf course ways shall incorporate bridges to cross wetlands in a manner so as to maintain the desired wetland hydroperiod and flow.

Q. Health Care/Police/Fire

1. Pasco County shall provide Fire, Police, and EMS service to the development.

2. NEW RIVER shall be constructed to meet or exceed State and local fire codes and regulations. Prior to the issuance of building permits, the Developer shall provide assurance that the buildings will be supplied with sprinkler systems and that functioning fire hydrants, in sufficient number and appropriate locations to accommodate the fire fighting operations, will be provided.

3. Upon issuance of the 750th single-family residential building permit, the Developer agrees to fund the reasonable costs of construction of a replacement building for the Chancey Road Fire Station not exceeding 4,200 square feet. The construction costs for which the Developer is responsible shall not include any cost for landscaping, equipment, parking area, or other ancillary development. The building construction shall be in substantial conformance with those plans for a prototype fire station prepared on behalf of the County by Charles A. Partin, with the one exception that the existing flat-roof design will be modified to a slope structure "hip" roof type, and all dormitories may be located on a single side of the truck bays. The County agrees that this funding obligation of the Developer shall be reduced by requiring a prorated contribution, as determined by the County, for any new DRI receiving fire service from the station and by requiring any previously approved DRI, wherein such a contribution is authorized, to pay its prorated share of such construction cost. In the event the Developer has funded the construction prior to the approval of any DRI, then the Developer will be reimbursed for such funding on a pro rata basis from the subsequently approved DRI. The Developer shall not be responsible for any fire service or emergency service impact fee, or any fire service or emergency service component of a public safety impact fee subsequently adopted by the County, as the contribution by the Developer, as set forth herein, is intended to mitigate the impacts of Phase I, Phase II, and Phase III of the development.

R. Housing

1. The project shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designated and developed as an adult community pursuant to the assumptions of the ADA

and Section 760.29, Florida Statutes. The Developer shall comply with all Federal and State statutes in establishing these deed restricted adult communities.

S. General Conditions

1. Any outstanding amount for initial review by the TBRPC shall be paid within fifteen (15) days after a detailed billing in accordance with the rule. Payment for any future activities of the TBRPC with regard to this development including, but not limited to, monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the Rule 9J-2.0252, F.A.C.

2. Should the Developer divest himself of all interest in the project prior to the expiration of this Development Order, the Developer shall designate the successor entity to be responsible for preparation of the Annual Report.

3. If there is an internal conflict between provision(s) of this Development Order, then the more stringent provision(s) shall prevail.

VI. Procedures

A. Monitoring

1. Monitoring of NEW RIVER by the County shall be the responsibility of the County Administrator or his designee at the time of Annual Report submittal approvals.

2. The Developer shall provide an Annual Report on the required form to the Development Services Branch, the TBRPC, and the DCA on the anniversary date of final adoption of this Development Order each year during the term of this Development Order. The contents of the Annual Report shall meet the requirements of Section 380.06(18), Florida Statutes, and shall include all additional data and information, as required in this Development Order.

3. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Developer and shall declare the project not to be in compliance with the Development Order. Should the report not be submitted within thirty (30) days after such notification, all on-going development activity, further issuance of building permits, and extension of services to the project shall cease immediately pursuant to Section 380.06(17), Florida Statutes, as amended, until a public hearing has been held, pursuant to Section 380.06(19), Florida Statutes, as amended, to determine if a Substantial Deviation determination has been made.

4. In addition to the required elements of the Annual Report, the Developer shall include:

a. The cumulative number of units developed through the land use tradeoff mechanism;

b. The cumulative number of units (du's by type, square feet of retail, industrial, etc.) with site plan approval (preliminary plan, construction plan, site plan), platted, constructed, and occupied;

c. A synopsis of all DRI and zoning amendments;

d. A synopsis of ownership (major parcels);

e. A list of DRI development order and zoning conditions of approval met by the developer.

B. Amendments/Substantial Deviations

1. Proposed or necessary changes to the Development Order must undergo a review by the Commission. Application to amend any provision of this Development Order shall be made on the required form (Notice of a Proposed Change to a Previously Approved DRI), and shall be provided by the Developer to the TBRPC, the DCA, and Pasco County. Review and approval shall be carried out pursuant to the provisions of Section 380.06(19), Florida Statutes, as amended, prior to implementation of such changes.

C. Notice of Adoption

1. A Notice of Adoption of this resolution shall be filed and recorded in the public records of Pasco County, Florida, in accordance with Section 380.06(15)(f), Florida Statutes, as amended.

2. The Clerk of the Commission shall return eight (8) signed and certified copies of this Development Order and Notice of Adoption to the Pasco County Development Services Branch. The Development Services Branch shall then send out the copies of each document to the DCA and the TBRPC, and to attorneys of record in these proceedings.

D. Severability

If any section, subsection, sentence, clause, or provision of this resolution is held invalid, the remains of the resolution shall be construed as not having contained said section, subsection, clause, or other provision, and shall not be affected by such holding.

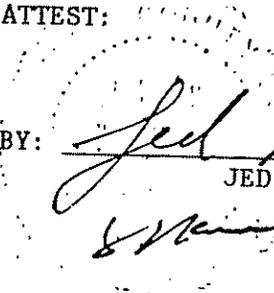
DONE AND RESOLVED this 12 day of May, 1992.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY:


Jed Pittman
JED PITTMAN, CLERK
James Easthouse

BY:

Mike Wells
MIKE WELLS, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: _____

ATTORNEY

NEW RIVER
DEVELOPMENT ORDER
LIST OF EXHIBITS

- *EXHIBIT A - Application for Development Approval (ADA), Sufficiency Responses, and
NEW RIVER Updated Subphase Traffic Analysis (December 6, 1991)
- *EXHIBIT B - Findings of Fact
Pages 25-49 of Adopted the TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT C - Legal Description
- EXHIBIT D - Developer's Commitments
Pages 22-24 of Adopted TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT E - MPUD Rezoning Conditions of Approval
MPUD Amendment - March 12, 1991 (File No. PL91-257)
MPUD - December 13, 1988 (Petition No. 4061)
- EXHIBIT F - The TBRPC Preservation/Conservation Wetlands Map
- *EXHIBIT G - Revised Map H, dated May 1991.
- *EXHIBIT H - Wildlife Management Plan

*These Exhibits are incorporated into this Development Order by reference and are not specifically attached.

EXHIBIT C
Legal Description

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2-OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH-EAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

AND THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF AND THE EAST 3/4 OF THE NORTH 1/2 AND THAT PORTION OF THE WEST 5/8 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 LYING NORTH OF STATE ROAD 54, AND THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS, COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA, AND RUN S89°54'43"E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 2,203.99 FEET; THENCE S07°57'05"W, 685.63 FEET FOR A P.O.B.; THENCE RUN S82°02'55"E, 600.00 FEET; THENCE S07°57'05"W, 361.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE N82°02'55"W; THENCE RUN S07°57'05"W, 10.00 FEET TO A RIGHT-OF-WAY MARKER OF STATE ROAD NO. 54; THENCE CONTINUE N82°02'55"W, ALONG SAID RIGHT-OF-WAY 87.00 FEET; THENCE RUN N07°57'05"E, 371.55 FEET TO THE P.O.B.

AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 30.00 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET THEREOF, AND THE WEST 30.00 FEET OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET, THEREOF, AND THE WEST 30.00 FEET OF THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, LYING NORTH OF THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54, LESS THE WEST 1,828.75 FEET THEREOF AND BEING FURTHER SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS TO A PRIVATE FAMILY CEMETERY OVER AND ACROSS THE SOUTH 25.7 FEET OF THE EAST 25.00 FEET OF SECTION 11, AND THE SOUTH 25.7 FEET OF THE WEST 159.85 FEET OF SECTION 12 AND THE WEST 25.00 FEET OF THAT PORTION OF SECTION 13 LYING NORTH OF STATE ROAD NO. 54, AND THE NORTH 24.3 FEET OF THE WEST 159.85 FEET OF SAID SECTION 13 AND THE EAST 25.00 FEET OF THAT PORTION OF SECTION 14, LYING NORTH OF STATE ROAD NO. 54

AND THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS THE WEST 1,828.75 FEET THEREOF, LYING NORTH OF STATE ROAD NO. 54 CONTAINING 1,800.85 ACRES.

PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

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PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

EXHIBIT D
Developer's Commitments

DRI #210

NEW RIVER

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

The project will be governed by the Pasco County Zoning Code and all local development regulations. (ADA, page 12-4)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

Appropriate procedures will be employed to control wind erosion and fugitive dusts, as required by Pasco County. (ADA, page 13-3)

The applicant is willing to have a Development Order Condition that, if the FDER parking thresholds are planned to be reached or surpassed in the future, an appropriate air quality analysis of the pertinent parking facilities would be prepared. (SR1, page 13-9)

Wetlands

Stormwater (developer clarification: primary treatment facilities) associated with the proposed development will be excavated from uplands. (SR1, 16-3)

A combination of haybales and Envirofence will be utilized to protect the marsh areas to be preserved. (SR1, 16-3)

Lakes/retention ponds that are located adjacent to, or in proximity to, wetlands will be designed after careful determination of the seasonal high water and normal pool elevations associated with the wetland. (SR1, 16-5)

(Developer clarification: As mitigation for wetlands impacts the applicant will enhance the wetland functions of selected) preserved marshes. (ADA, page 16-6)

Floodplains

All permanent habitable structures will be constructed with floor elevations at or above the 100-year flood level. (ADA, 17-8)

Vegetation and Wildlife

Three upland preserves will be located within the development providing for wildlife habitat and acting as a natural buffer between developed areas of the project. (SR3, page 1)

Should the Florida sandhill crane be documented in the future to nest on site, their management will be addressed in association with construction permit applications. (New River Wildlife Management Plan (NRWMP), page 19)

Wildlife underpasses will be provided along the primary New River riparian corridor between upland preserves. (NRWMP, page 21)

Monitoring will be conducted by a qualified biologist at least annually for five consecutive years once active management of a given preserve has been initiated. Monitoring will then occur every fifth year. Results of the monitoring will be submitted to the FGFWFC within 60 days of the monitoring event. However, after ten years, monitoring will be subject to termination or modification at any time upon mutual consent of the FGFWFC and the entity responsible for preserve management (e.g., developer, homeowners association). (NRWMP, page 22)

Gopher tortoises monitoring will be conducted as described in (developer clarification: the New River Wildlife Management Plan). (NRWMP, page 22)

Surveys for scrub jays will be conducted during the spring in the year prior to the prescribed burn (or mechanical treatment) for each management unit and at the midpoint of each burn cycle for xeric oak and pine flatwoods habitat types. (NRWMP, page 23)

Habitats designated for preserve areas will be protected in perpetuity through the Pasco County MFUD rezoning process. (NRWMP, page 23)

Historical and Archaeological Sites

Should any archaeological or historical resources be discovered during development construction, the disposition of such resources would be determined in cooperation with the State Division of Historical Resources and Pasco County. (SR1, 19-1)

PUBLIC FACILITIES

Drainage

The natural flow pattern of New River and its various tributaries will be maintained. (ADA, page 22-1)

Water Supply

The developer will participate, as may be required by law, in the use of reclaimed water for non-potable purposes, including residential lawn sprinkling. (SR1, 23-3)

The developer will investigate the use of water conservation devices throughout the project. (SR1, 23-3)

Education

The developer has agreed to donate a 15-acre site to be used by the School Board for Elementary School construction or to provide a Lump Sum cash contribution of \$57,433 toward acquisition or construction of an Elementary School in the area. (SR1, page 26-1)

Housing

The developer intends that the portions of the community which are set aside as "older persons' housing" will have a set of policies which are not binding on the other housing offered on the site. The marketing plan will be explicitly directed toward "older persons". Rules and regulations will be put into effect which "codify" the intent of the developer that the community be designated as "older persons' housing". (SR1, page 12-2)

Transportation

NEW RIVER will construct its internal roadway network and provide for the necessary connections of that roadway to the external network, including site-related turn lanes. (ADA, 31-83)

EXHIBIT E
MPUD Rezoning Conditions of Approval

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 2/20/91

FILE: PL91-257

THRU: William C. Munz
Assistant County Administrator
(Development Services)

SUBJECT: The Brown Site - Master Planned
Unit Development Amendment
Date of Meeting: March 12, 1991
Type of Action: Consent

FROM: Frederick J. Lowndes
Assistant Planning and Zoning
Director/Zoning Administrator

REFERENCES: Land Development Regulations,
Section 520.6(F),
Substantial Changes; District 2

It is recommended that the data herein presented be given formal consideration by the County Commission.

Commission District:
Project Name:

The Honorable Bonnie D. Zimmer
The Brown Site Master Planned Unit Development
(MPUD)

Developer's Name:
Location:

FLAC Development, Inc.
The north side of S.R. 54, approximately five
miles east of Interstate 75, in Sections 10, 11,
12, 13, 14 and 15, Township 26 South, Range 20
East.

Zoning District:
Acreage:
No. of Dwelling Units:
Type of Dwelling Units:
Commercial Acreage/Gross
Square Feet:

MPUD
1,800.85
4,800
Single-Family and Multifamily
680,000 Gross Square Feet on 63.4 Acres

BACKGROUND:

On December 13, 1988, the Pasco County Board of County Commissioners approved the Brown Site Master Planned Unit Development, Petition #4061.

On November 15, 1990, the Board of County Commissioners approved PL91-055, granting an extension of time in which to comply with a condition of zoning approval which required consistency between the MPUD Master Plan and the Master Plan proposed by the Development of Regional Impact application for development approval.

The current proposal seeks to change certain development standards in order to accommodate conservation and preservation areas to be dedicated or reserved as conditions of Development of Regional Impact (DRI) approval. The project is currently undergoing Development of Regional Impact Application for Development Approval Sufficiency Review.

FINDINGS OF FACT:

The Planning and Zoning Department has received a formal request from the developers of The Brown Site to amend the existing Master Development Plan to allow changes as indicated in the recommended conditions of approval which would make the MPUD consistent with the Master Plan proposed for the DRI.

ANALYSIS:

By interpretation of the Zoning Administrator, both Planned Unit Development and Master Planned Unit Development amendments must be reviewed in accordance with Section 520.6(F), Substantial Changes, of the Pasco County Land Development Regulations to determine if the proposed changes are substantial. A substantial change is deemed to exist where:

1. "There is a proposed increase of greater than five percent (5%) in the total number of dwelling units proposed for the Master PUD."

FINDING: Units are decreased from 4,841 to 4,800 units.

2. "There is a proposed major redistribution of density within individual phases of the Master PUD."

FINDING: No change.

3. "There is a decrease of proposed preservation or conservation areas involving more than five percent (5%) of the original area set forth in the Master PUD plan."

FINDING: Area of preservation and conservation is increased due to Development of Regional Impact review.

4. "There is an increase in the size of areas proposed for nonresidential uses of more than five percent (5%)."

FINDING: The acreage and square footage of commercial uses are approximately ten percent less.

5. "There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval."

FINDING: No applicable.

6. "The Tampa Bay Regional Planning Council (TBRPC) or the state land planning agency (the Florida Department of Community Affairs [DCA]) indicates the existence of substantial adverse regional impacts under the master development plan as approved."

FINDING: Not applicable.

RECOMMENDATION:

Based upon the foregoing and criteria established within Section 520.6(F), Substantial Changes, of the Pasco County Land Development Regulations, the Planning staff has determined that the amendment of the Master Development Plan does not constitute a substantial change. The Planning staff recommends that the request for amendment be approved with the following condition(s):

1. The Master Planned Unit Development Conditions of Approval, Petition #4061, as approved on December 13, 1988, and as subsequently amended, be further amended as follows:

At such time the County acquires the necessary right-of-way to accommodate the connection of Linda Drive, a local road, to S.R. 54, within 14 years of the project acquiring a Development of Regional Impact Development Order, the developer shall design, permit, and construct that section (approximately 150 linear feet) of Linda Drive necessary for project entrance opposite S.R. 54, provided the County has made a good-faith effort, but has failed to require any developer of adjacent property to construct this extension to local road standards. The County shall issue all necessary permits to accomplish the alignment. The developer shall not be eligible for impact fee credits for the costs of design, permitting, and construction for the above section. Design, permitting, and construction shall commence within 180 days of written notification from the County that the subject right-of-way has been acquired.

2. All remaining Conditions of Approval of Petition #4061 shall continue in full force and effect.

3. Twelve copies of a revised Master Development Plan shall be submitted to the Planning and Zoning Department for approval within 45 days of approval of the Master Planned Unit Development amendment and prior to the first preliminary/site plan approval thereafter. The Planning and Zoning Department will submit said revised Plan to the Development Review Committee for approval when the revisions are complete. The following revision(s) shall be required:

- a. Single-family zero lot line uses shall only be permitted in the following SF-2 designated parcels: A-6, B-27, B-29, B-33, and C-53.

- b. Multifamily (townhouse) uses in SF-3 designated parcels must maintain a 20-foot minimum front setback.
 - c. Single-family zero lot line uses shall not exceed a lot coverage of 60 percent.
 - d. Single-family zero lot line minimum lot size shall be 4,200 square feet.
 - e. Zero lot line plans will provide for a minimum of ten feet separation between structures.
4. Modifications to the MPUD Master Development Plan resulting from Development of Regional Impact Development Order approval requirements shall be subject to the review and approval of the Planning Director and not deemed a modification of the MPUD approval nor shall require zoning amendment processing.
 5. Charts appearing on the Master Plan shall conform to the development standards booklet as amended.
 6. Roads and driveways on the south side of S.R. 54 along the project's S.R. 54 frontage shall be accurately shown and labeled on the revised plan. All proposed project entrances shall align with roads on the south side of S.R. 54. All proposed project entrances will be labeled as per future conditions; i.e., right-in, right-out, median cut, etc.

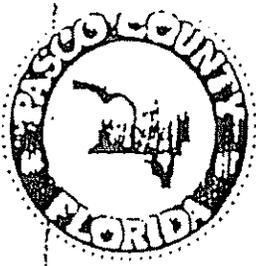
FJL/DRN/g021905:wp

cc: William G. Nunz, Assistant County Administrator (Development Services)
Samuel P. Steffey II, Planning Director

APPROVED AGENDA ITEM

FOR _____

BY _____



DEC 16 1980

PASCO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

Sylvia Young
Chairman
Mike Walls
Vice-Chairman
Curtis Law
Ann Hildebrand
Allan G. Salzman, Jr.

December 14, 1980

Flag Development Co. of Fla., Inc. 4061
Bill R. & Anne C. Brown
c/o Gerald A. Figurski
8406 Massachusetts Avenue
Suite B-1
New Port Richey, FL 34653

Dear Petitioner(s):

On December 13, 1980, the Board of County Commissioners approved your request as per the attached memorandum.

If you have any questions regarding this matter, please contact Mr. Fred Lowndes, Zoning Administrator, at the address or telephone number indicated below.

Sincerely,

Jed Pittman
By: Elaine H. Mitchell, DC

JED PITTMAN
CLERK TO THE BOARD

JP/ehm
Enclosure

Reply to:

- 705 East Live Oak Avenue — Dade City, Florida 33525 - (904) 521-4274
 7530 Little Road — New Port Richey, Florida 34654 - (813) 847-2411

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

14-224

TO: Pasco County Planning Commission
Frederick J. Lowndes
 FROM: Frederick J. Lowndes
 Assistant Planning & Zoning Director

PE TITION #4061
 Commission District #2
 Planning Commission
 Hearing Date: 12/7/88
 Board of County Commissioners
 Hearing Date: 12/13/88 (DC)
 Board of Zoning Adjustment
 Hearing Date: N/A

SUBJECT: Rezoning Request
 Southeast Pasco County
 (Cont. from 11/16/88, PC)
 (Cont. from 11/22/88, BCC)
 APPLICANT: Flag Development Co. of Fla., Inc.;
 Bill R. and Anne C. Brown

PETITION SUMMARY

Petition #4061 in the name of Flag Development Co. of Fla., Inc.; Bill R. and Anne C. Brown has been filed for a change in zoning from an A-C (Agricultural) District to an MPUD (Master Planned Unit Development) District. The property is located on the north side of S.R. 54, approximately 1,100 feet east of Foxwood Blvd., and extending east approximately 1-3/4 miles (Sections 10, 11, 12, 13, 14, and 15, Township 26 South, Range 20 East), and contains 1,800.9 acres, m.c.l.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C (Agricultural)	- Single-Family; Pastureland
East:	A-C (Agricultural)	- Single-Family; Pastureland and Groves
South:	C-2 (General Commercial) C-1 (Neighborhood Commercial) R-MH (Mobile Home) A-R (Agricultural-Residential) A-C (Agricultural)	- S.R. 54; Single-Family Dwellings (Foxwood Subdivision)
West:	R-4 (High Density Residential) C-2 (General Commercial)	- Undeveloped

FINDINGS OF FACT

1. Presently, the subject site contains three single-family homes and a shed, and the applicant proposes to develop the property as a planned residential community with ancillary commercial.
2. Access to the property is from S.R. 54, which has 24 feet of pavement and 100 feet of right-of-way, by survey.
3. The subject property may be located in an identified 100-year flood prone area. Development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance B7-11.
4. The surrounding area is characterized by farms and pastureland.
5. The proposed request is consistent with the Pasco County Comprehensive Plan and Article XXV, Section 25.2(E), of the Zoning Ordinance.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

See attached list of Conditions

PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 10 Ayes; 0 Nays
 Denial of Staff Recommendation: _____ Ayes; _____ Nays

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

REZONING PETITION #4061

Master Development Plans

B
78

1. Development shall be in accordance with the application, plans, and information submitted October 1, 1988, unless otherwise stipulated or modified herein. Eight copies of a revised Master Development Plan and eight copies of a revised accompanying narrative shall be submitted to the Planning and Zoning Department for review and approval within 12 months of approval of the Master Planned Unit Development rezoning or prior to filing the Application for Development Approval, whichever happens first, and prior to the first preliminary/site plan approval. The Planning and Zoning Department will submit said revised Plan and narrative to the Development Review Committee for approval when the revisions are complete. The revised plan shall incorporate the following conditions:

a. Master Development Plan

- (1) The number of median cuts to project entrances from State Road 54 shall be limited to five, four of which are depicted on the Master Development Plan, and relocated as follows:
 - (a) The main access to Parcels 3 and 4 shall be opposite the proposed secondary entrance to Fox Ridge, with the secondary entry to Parcel 3 opposite the proposed main entrance to Oak Village Lakes.
- (2) Realignment of the internal roads as follows:
 - (a) Eliminate the crossing of the New River between Parcels 2 and 3; access the easternmost internal loop road entirely through Parcel 2.
 - (b) Creation of service roads paralleling State Road 54, connecting Parcel 1 to Parcel 2 and Parcel 3 to Parcel 4, respectively.
- (3) Replotting the zoning, land uses, and existing and proposed accesses on the south side of State Road 54.
- (4) Change notes and development standards to be consistent with required changes on the Master Development Plan.
- (5) Proposed right-of-way dedication along State Road 54.
- (6) Two stub-outs shall be provided along the northern property boundary. The easternmost stub-out (from the retirement community) shall be for emergency access purposes only and barricaded appropriately. The westernmost stub-out (from the nonretirement community) shall be a local public street.
- (7) The location of existing Barnes Road in relation to the northern property boundary.

b. Project Narrative

- (1) Page 4: Change to indicate that a traffic study will be provided at the time of submittal of the Development of Regional Impact Application for Development Approval. Change the average daily sewage flows to 150 and 200 gpd/unit for multifamily and single family respectively. Reduce the projected demand accordingly.
- (2) Page 5: Change 0.5 mgd (fourth line, second paragraph) to 0.8 mgd.
- (3) Page 8: Limit the gross density according to the adopted Pasco County Comprehensive Plan, using the formula for wetlands density credits contained herein, except to the extent development rights have accrued under law.
- (4) Page 10: Limit the maximum allowable floor area ratio to .23 according to the adopted Pasco County Comprehensive Plan, except to the extent that development rights have accrued under law. Specify that the proposed gross square footage for each commercial parcel is gross floor area, rather than gross leasable area.

2. A preliminary plan must be approved for an entire single-family fee simple increment/parcel prior to any phased construction drawing approval. Pursuant to Condition 20 below and the design and density regulations of this approval, the maximum number of units and the density of each residential increment shall not exceed the limits permitted by the Master Development Plan. A subphasing plan must also be approved by the Zoning Administrator for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any site plan approvals. Each site plan must substantially conform to the approved subphasing plan. Preliminary/site plan submittals shall also include the accumulative number of residential units or total gross floor area (g.f.a.) of commercial space which has received preliminary/site plan approval and is constructed or record plated.

Open Space/Buffering

3. The wetlands (conservation/preservation areas) shall be delineated by the Florida Department of Environmental Regulation consistent with Policies 10.1.2 and 10.3.1 of the Tampa Bay Regional Planning Council's Future of the Region. Initial or estimate jurisdictional boundaries shall be shown on each preliminary/site plan. Final jurisdictional wetlands shall be platted or preserved as conservation/preservation easements, except as modified by Condition 4 below. Final wetlands limits shall be shown on final construction plans following appropriate permit approvals. Adjustments of wetlands limits may require corresponding amendments of previously approved preliminary/site plans.
4. Lot lines shall not extend within wetland areas except as approved by the Development Review Committee. Ownership and maintenance of conservation/preservation areas shall be provided by the mandatory homeowners'/property owners'/condominium owners' association.
5. The developer shall create a mandatory homeowners'/property owners'/condominium owners' association in the form of a nonprofit corporation, registered with the Secretary of State, State of Florida. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, and other special purpose tracts. All incorporation and other relevant documents shall be submitted to the Engineering Services Department for review prior to the record platting of the first unit or phase within the development.
6. A unifying landscape plan for all internal major roads (e.g. all project entrances and internal collector streets) shall be provided to the Development Review Committee for approval and may be submitted in phases for review and approval simultaneously with each preliminary/site plan submittal. Approval of the landscape plan will obviate the need to strictly comply with the requirements of Sections 23.3 of the Pasco County Zoning Ordinance.
7. The developer shall comply with the provisions of the Pasco County Tree Ordinance (#81-10). It is the intent of this condition to encourage the preservation of individual trees and/or groupings of trees whose size, location, species, and environmental function warrant their protection as public resources.
8. The developer shall donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments. Land donations and/or fee payments for the proposed 4,841 residential units shall be made at the rate of one acre per 100 units or \$100.00 per unit.
- Any park sites so donated shall include a minimum of 20 acres and shall consist entirely of nonjurisdictional areas. Land donations shall occur prior to the first record plat approval, or if no record plat is required, prior to issuance of the first building permit. The location shall be mutually determined by the Pasco County Parks and Recreation Department and the developer. Fee donation shall be paid at the time of record plat approval, or if no record plat is required, at the time of the first building permit issuance. The developer shall also provide to the County a \$50.00 per unit (unless modified by Ordinance) park service fee prior to the first record plat approval for each increment, or where no record plat is required, prior to the first building permit for each increment.

Transportation/Circulation

The developer shall either dedicate/donate or transfer by fee simple deed to the County, unless otherwise specified herein, the appropriate amount of right-of-way for the internal and abutting roadways. Sufficient right-of-way shall be dedicated so that the typical roadway meets Florida Department of Transportation standards as follows:

a. Internal roads.

- (1) Public collectors.

70 feet (60 feet with closed drainage).

- (2) Local public streets.

50 feet for all local streets.

- (3) Private streets:

Access easements sufficient to contain pavement, curbs, and required recovery zones. The entire access easement shall be platted as separate tracts.

b. Additional right-of-way (not to exceed a total half width of 105 feet from the centerline) along S.R. 54. Within 90 days of final approval of the Development Order, the first 60 feet thereof shall be donated to the County and the remaining 45 feet shall be conveyed as a perpetual easement. No improvements other than nonrequired landscaping shall be located in right-of-way of the easement. To the extent that conveyed right-of-way decreases the proposed Master Development Plan commercial acreage/intensity or residential acreage/density, the developer may transfer or relocate the above-referenced decreases elsewhere on site.

c. Intersections.

- (1) Internal roads.

Additional right-of-way as determined by the Development Review Committee.

- (2) External roads.

Additional right-of-way as determined by the Development Review Committee.

The transfer of right-of-way for internal public roads shall be at either the time of record plat of the abutting increment; or where no record plat is required, at the time of site plan approval. The developer shall provide all necessary documents and/or information pertaining to the above-mentioned transference of right-of-way to the Pasco County Real Estate Division prior to any preliminary plan approvals. Reductions in right-of-way may occur, if approved by the County, if road stormwater drainage is accommodated - e.g., may include urban roadway designs with a stormwater sewer system or stormwater easements into retention areas within adjoining increments.

10. The developer shall make the necessary roadway and intersection improvements as identified below:

- a. Design and improve/construct the following roadways to the indicated functional classifications:

Project access roads off State Road 54, internal loop roads, as shown on the Master Development Plan as collectors, at minimum.

All other roads as local streets.

All private streets within the development shall be constructed to Pasco County Engineering Services Department standards:

Collector streets - 32-foot total pavement section (28-foot pavement width, which may include bike lanes as referenced in Condition 11 below) and two-foot curbs).

Local streets - 26 foot total pavement section (22-foot pavement width plus two-foot curbs).

Inverted crowns may be used in nonresidential areas only upon approval of the Development Review Committee.

- b. Access.

- (1) Vehicular access rights shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment along all nonlocal roads within or adjoining the project.

(2) The intersections of State Road 54 and the project access roads shall be constructed as required by the Florida Department of Transportation and the County Engineering Services Department. The developer shall pay his pro rata share of the cost of signalization of those intersections if such signalization is deemed to be necessary by the Development Review Committee and meets required Florida Department of Transportation and County Engineering Services Department traffic warrants.

(3) The developer shall provide a secondary access in a manner found acceptable by the Development Review Committee whenever the residential development exceeds 100 units. This access may be barricaded in a manner found acceptable by the Engineering Services Department and the Emergency Services Department.

c. At each preliminary/site plan approval, the Development Review Committee may also require further intersection improvements along internal roadways. Along about existing roadways and external intersections, the Development Review Committee may also require additional improvements pursuant to the Development of Regional Impact Development Order. Specific intersection improvements shall be determined through the right-of-way use permit process.

The developer shall submit a plan to the Development Review Division indicating the geometric alignment, and construction phasing of the collector roadways as shown on the Master Development Plan. Approval of the roadway phasing and alignment plan must be obtained from the Development Review Committee prior to preliminary/site plan approval of the first increment. The County shall have the right to require specific time frames of completion of construction for any portion of those roads required to provide safe access to the increment which is subject of the submittal at the time of each preliminary/site plan approval.

11. Sidewalks shall be constructed on both sides of all proposed roads. Bicycle lanes shall be provided along nonlocal internal roadways. A Development Review Committee approved pedestrian/bikeway plan, which provides an alternative method of pedestrian/bikeway circulation, may supersede this requirement. Such pedestrian/bikeway plans shall comply with the handicapped provisions of Chapter 336.045, Florida Statutes.

Utilities: Drainage, Water Service, Wastewater Disposal

12. Prior to the first preliminary/site plan approval, the developer shall submit a Master Drainage Plan for the entire project to the County Engineer for approval by the Development Review Committee. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within the Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County. In addition, the ownership and maintenance responsibilities for the drainage for the drainage system(s) shall be referenced along with existing wetlands on the plan.

13. The developer shall submit drainage plans for each development phase and increment/parcel. These plans shall include drainage maps and runoff computations for all predevelopment and postdevelopment watersheds; detention/retention computations and quantities; drainage structure, pipe, swale, ditch, and other appurtenant structure locations, sizes, cross sections, types, and sizing computations. All drainage plans shall be in conformance with the above-referenced Master Drainage Plan and shall be approved prior to submission of the construction plans for the development phase/increment/parcel in question. The subsequent construction drawings for all or a portion of that development phase/increment/parcel shall indicate how and when the drainage system for that portion will coordinate with that of the entire increment's/parcel's drainage system and the Master Drainage Plan. No design of an individual increment/parcel or portion of an increment/parcel shall be dependent upon the ultimate construction of future increments/parcels, unless an interim design for drainage through a future increment(s)/parcel(s) is approved by the Development Review Committee.

Base flood elevations for all habitable structures shall be at or above the 100-year flood plan elevation. All preliminary/site plan approvals shall show the 100-year flood elevation.

15. A Master Utility Plan for the entire development must be submitted to and approved by the Pasco County Utilities Department prior to approval of the first preliminary/site plan. This Utility Plan shall minimally show the following:

a. Trunk sewer lines and lift station.

b. Main potable water lines and nonpotable water lines, if applicable.

- c. Sewage treatment facility locations, including discussion of the proposed methods of treatment and the feasibility of a nonpotable water system for irrigation.
- d. Method of lighting all nonlocal public roads.

Prior to the first preliminary/site plan approval, the developer and the County shall enter into a Utility Service Agreement.

- 16. 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 Department.

Land Use

- 17. The design standards are those specified in the Brown Site Master Planned Unit Development Zoning Application #4061 dated October 1, 1988. Where Tables III and IV of the accompanying narrative reference standards of the Pasco County Zoning Ordinance, the standards in effect at the time of rezoning approval shall remain. The following changes shall be made to the above-referenced Tables III and IV:

- a. Table III - Development Standards

- (1) Revise the parcel increment designation to include two multifamily categories--MF-1 and MF-2. Maximum allowable densities shall be 10 and 16 dwelling units per acre, respectively.

- b. Table IV - Design and Density Standards

- (1) Delete "townhouse" from Section IV.1.B.5).
- (2) Delete Section IV.1.B.5)b)(1).
- (3) Insert standards for a low density multifamily category: to be developed pursuant to MF-1 standards with maximum permitted gross density of ten dwelling units per acre.
- (4) Change Section IV.1.B)6) to "RMF-2".
- (5) Change Section IV.1.B.6)b) to say that "development and use shall be in accordance with regulations for the MF-2, High Density Multiple Family District..."
- (6) Move the parcel increment designation down on Page 19 to opposite the "Commercial" heading.
- (7) Revise Section IV.2.A.2) to say that "development and uses shall be in accordance with Section 16.5.D. of the Pasco County Zoning Ordinance."

- 18. With any cluster development, the County may add additional performance standards during the time of preliminary/site plan approval. The developer shall also submit a concept sketch for the Planning and Zoning Department's review, prior to submission of a preliminary/site plan showing the location of typical buildable area with appropriate typical lot setbacks. The Zoning Administrator shall have the authority to approve, reject, or recommend modifications to the concept sketch. Any such action by the Zoning Administrator may be appealed first to the Development Review Committee, whose ruling(s) may, in turn, be appealed to the Board of County Commissioners.

- 19. Principal structures (exclusive of swimming pools) shall be set back at least 35 feet from the rights-of-way or access easement lines of the collector and arterial roads. However, this setback may be reduced to 25 feet if a six-foot high wall is provided as a buffer.

If redistribution of units is proposed, pursuant to the guidelines listed in Section III.A on Page 11 of the Master Planned Unit Development Amendment Application narrative, the developer shall submit an amended Master Development Plan to the Zoning Administrator illustrating unit redistribution. Residential use may not be intensified within any one increment, as provided above, following approval of the plat or final site plan for the first unit in that increment without review and approval by the Board of County Commissioners.

- 21. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of three acres to be used for recreational vehicle storage for the exclusive use of Brown Site residents. Such a site(s) shall have appropriate landscape buffering and must be approved by the Zoning Administrator. The site(s) must

obtain commercial site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners' association.

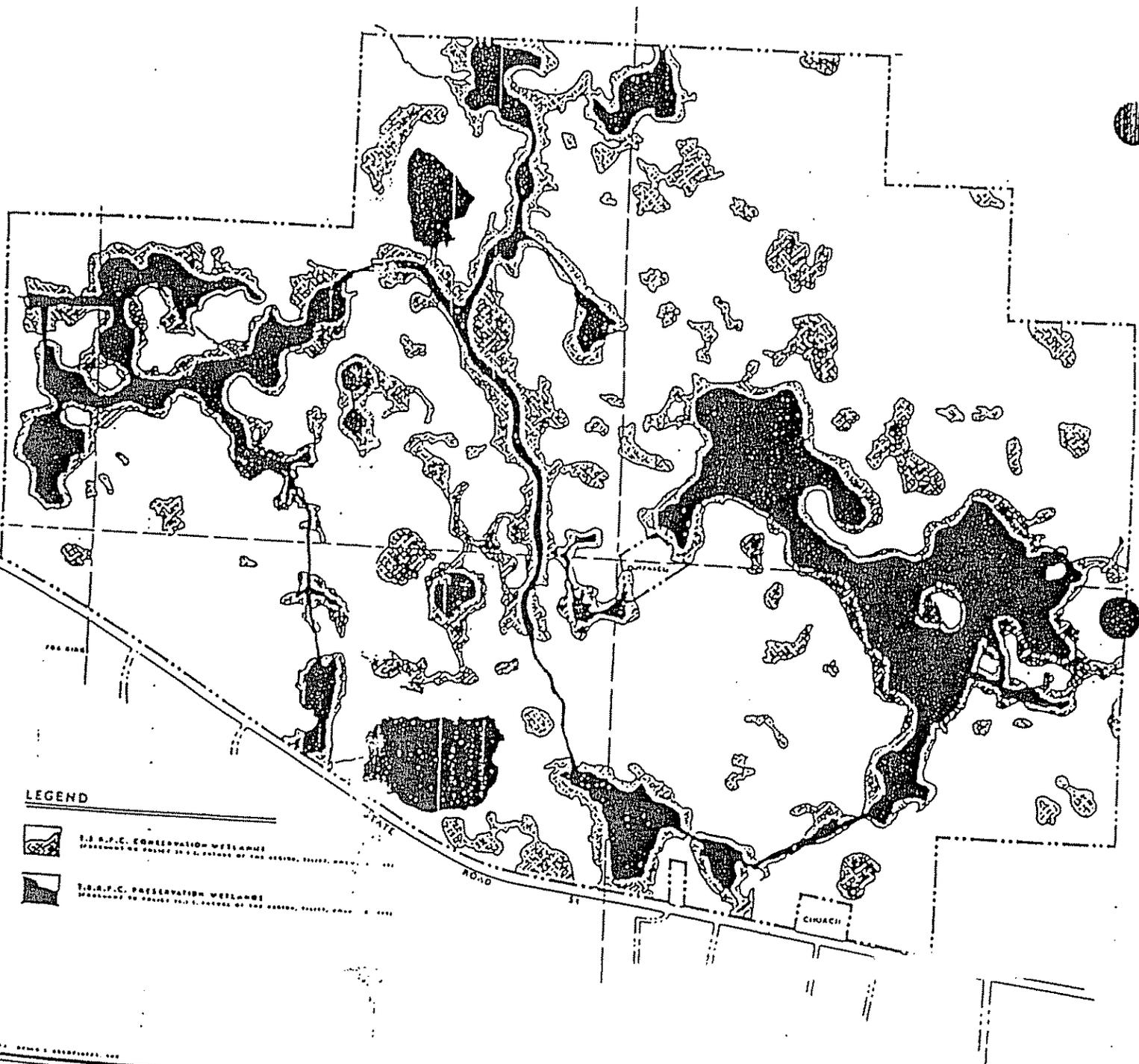
22. Signs shall be in compliance with the Pasco County Sign Ordinance (Section 23.6 of the Pasco County Zoning Ordinance). Commercial billboard signs shall not be permitted in this development except those specifically related to the residential component of the project (maximum two) and shall be removed upon completion of the project.

Procedures

23. The ordinances and regulations in effect at the time of preliminary plan submittal shall govern, unless otherwise specifically stipulated or modified herein and/or in a Development of Regional Impact Development Order, if applicable (except as referenced in Condition 17 above).
24. In the event a resolution is adopted by the Board of County Commissioners on or before approval of the final record plat establishing a County-wide fee for the purpose of funding public safety, the developer shall be required to pay said fee pursuant to that resolution unless the Board of County Commissioners of Pasco County shall waive such requirement of payment.
25. Any decisions or matters which, under the conditions of the Master Planned Unit Development require approval or allow modification by the Development Review Committee, or require approval by the Zoning Administrator may be appealed to the Board of County Commissioners and, where appropriate, to the Courts.
26. There shall be no development within the project unless the developer complies with the provisions of Chapter 380.06, Florida Statutes, as amended, and rules and regulations adopted pursuant thereto. Rezoning of this property with conditions of approval does not constitute a Development of Regional Impact Development Order nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County. The conditions of the Master Planned Unit Development may be modified or added to by the County based on the findings of any Development of Regional Impact Application for Development Approval and/or Development Order.

EXHIBIT F

The TBRPC Preservation/Conservation Wetlands Map



LEGEND

-  T.B.R.P.C. CONSERVATION WETLANDS
WETLANDS OF THE ORDER OF THE BARNY, THIRTY, FIVE
-  T.B.R.P.C. PRESERVATION WETLANDS
WETLANDS OF THE ORDER OF THE BARNY, THIRTY, FIVE

NEW RIVER
LAG DEVELOPMENT COMPANY



T.B.R.P.C. CONSERVATION/PRESERVATION
WETLANDS MAP

EA ENVIRONMENTAL ACTION ... STATE OF TEXAS ... T.B.R.P.C. CONSERVATION/PRESERVATION WETLANDS MAP ...

R Bca
115-002-10.30
1.50

K Bca 115

NOTICE OF ADOPTION OF THE DEVELOPMENT ORDER
FOR THE NEW RIVER DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 92-161 dated March 24, 1992, has adopted the Development Order for a Development of Regional Impact known as New River (Resolution No. 92-161). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "C" of the Development Order.

A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "C" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

[Signature]
Clerk

[Signature]
MIKE WELLS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

428147 NEGATIVE 03/25/92 12:24 PM
REFERENCE # 115000
RECORDING INDEXING 7.00
RECORDS MODERNIZATION FEE 1.00

The foregoing Notice of Adoption of Development Order was acknowledged before me this 24 day of March, 1992 at SAR

TOTAL 15.00
115000 CHARGED 15.00
31.00 AMT PAID 30.00

RECORD VERIFIED
JED PITTMAN
Clerk Circuit Court, Pasco County
[Signature]

[Signature]
Notary Public
State of Florida at Large
My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the Clerk, Pasco County

[Signature]
Attorney

FILED FOR RECORD
MAR 25 3 13 PM '92
CLERK OF PASCO COUNTY, FL

872371

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

AND THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF AND THE EAST 3/4 OF THE NORTH 1/2 AND THAT PORTION OF THE WEST 5/8 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF STATE ROAD 54, AND THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS, COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA, AND RUN S89°54'43"E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 2,203.99 FEET; THENCE S07°57'05"W, 685.63 FEET FOR A P.O.B.; THENCE RUN S82°02'55"E, 600.00 FEET; THENCE S07°57'05"W, 361.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE N82°02'55"W; THENCE RUN S07°57'05"W, 10.00 FEET TO A RIGHT-OF-WAY MARKER OF STATE ROAD NO. 54; THENCE CONTINUE N82°02'55"W, ALONG SAID RIGHT-OF-WAY 87.00 FEET; THENCE RUN N07°57'05"E, 371.55 FEET TO THE P.O.B.

AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 30.00 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET THEREOF, AND THE WEST 30.00 FEET OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET, THEREOF, AND THE WEST 30.00 FEET OF THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, LYING NORTH OF THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54, LESS THE WEST 1,828.75 FEET THEREOF AND BEING FURTHER SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS TO A PRIVATE FAMILY CEMETERY OVER AND ACROSS THE SOUTH 25.7 FEET OF THE EAST 25.00 FEET OF SECTION 11, AND THE SOUTH 25.7 FEET OF THE WEST 159.85 FEET OF SECTION 12 AND THE WEST 25.00 FEET OF THAT PORTION OF SECTION 13 LYING NORTH OF STATE ROAD NO. 54, AND THE NORTH 24.3 FEET OF THE WEST 159.85 FEET OF SAID SECTION 13 AND THE EAST 25.00 FEET OF THAT PORTION OF SECTION 14, LYING NORTH OF STATE ROAD NO. 54

AND THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS THE WEST 1,828.75 FEET THEREOF, LYING NORTH OF STATE ROAD NO. 54. CONTAINING

PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

O.R. 3007 PAGE 0263

D. Severability

If any section, subsection, sentence, clause, or provision of this resolution is held invalid, the remains of the resolution shall be construed as not having contained said section, subsection, clause, or other provision, and shall not be affected by such holding.

DONE AND RESOLVED this 24 day of MARCH, 1992.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Mike Wells
MIKE WELLS, CHAIRMAN

By: Donald Schmidt

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: _____
ATTORNEY

NEW RIVER DEVELOPMENT ORDER

BY COMMISSIONER _____

AMENDED
RESOLUTION NO. 92-161

RESOLUTION ADOPTING A DEVELOPMENT ORDER
APPROVING, WITH CONDITIONS, THE NEW RIVER
DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 210)

WHEREAS, in accordance with Section 380.06, Florida Statutes, as amended, FLAG Development Company of Florida, Ltd., has filed an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as NEW RIVER with the Pasco County Development Services Branch; and,

WHEREAS, the Pasco County Board of County Commissioners (the Commission) is the governing body having jurisdiction over the review and approval of Developments of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended; and

WHEREAS, the culmination of review pursuant to Section 380.06, Florida Statutes, requires the approval, approval with conditions, or denial of an ADA.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session, duly assembled, this 7th day of January, 1992, that:

The ADA for the NEW RIVER DRI is approved with conditions as set forth in the following Development Order, which is hereby adopted by the Pasco County Board of County Commissioners:

NEW RIVER DEVELOPMENT ORDER

I. General Findings of Fact

The Pasco County Board of County Commission makes the following general findings of fact:

A. FLAG Development Company of Florida, Ltd. (the Applicant or Developer), has filed, in accordance with Section 380.06, Florida Statutes, as amended, an ADA for the NEW RIVER DRI and associated responses to requests for additional information, collectively referred to herein as the Application.

B. The nature, type, scope, intensity, density, costs, and general impact of the proposed NEW RIVER DRI, in part, are those which are summarized in Composite Exhibit A (Application for Development Approval [ADA], Sufficiency Responses, and NEW RIVER Subphase Traffic Analysis), the Application, and in Exhibit B, the specific findings of fact contained in Pages 25 through 49 of the Tampa Bay Regional Planning Council (TBRPC) DRI Final Report. Both Exhibits A and B are incorporated into this Development Order by reference.

C. The real property encompassed by the NEW RIVER DRI is owned by FLAG Development Company of Florida, Ltd. A description of the real property is attached hereto as Exhibit C (legal description) and incorporated herein.

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE. WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 13th Day of April, 1992
JED FITTMAN, CLERK TO THE BOARD

BY Alan Gutierrez

D. The Pasco County Comprehensive Plan Future Land Use Map designations for the area subject to the Application are ROR (Residential/Office/Retail), RES-3 (Residential 3 du/ga), and RES-6 (Residential 6 du/ga).

E. The zoning on the property which is subject to the Application is MPUD (Master Planned Unit Development) - Petition No. 4061, approved December 13, 1988, and MPUD Amendment - File No. PL91-257, approved March 12, 1991.

F. On June 17, 1991, the Applicant advised the TBRPC that it was not going to provide additional information and requested that its Application be reviewed based on the information provided. Upon receipt of such notification, the TBRPC initiated the preparation of its DRI Final Report and advised the local government to set a date for a public hearing on the pending Application.

G. Both the Pasco County Planning Commission (the Planning Commission) and the Pasco County Board of County Commissioners (the Commission) have scheduled and held public hearings on the Application on October 9, 1991, and January 7, 1992, respectively.

H. Notice of these hearings has been published in a newspaper of general circulation at least sixty (60) days prior to the date set for the Commission hearing.

I. At these public hearings, all parties were afforded the opportunity to present evidence and argument on all issues and to submit rebuttal evidence.

J. Additionally, at these public hearings any member of the general public requesting to do so was given the opportunity to present written or oral communications.

K. The Commission has received and considered the TBRPC DRI Final Report on the Application.

L. The Commission has received and considered the recommendation of the Planning Commission and various other reports and information including, but not limited to, the recommendation of the Pasco County Development Services Branch and the Development Review Committee (DRC).

II. Conclusions of Law

The Commission hereby finds that the NEW RIVER DRI:

A. Will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan and State Land Development Plan applicable to the area encompassed by the Application.

B. As modified by this Development Order, is consistent with the report and recommendations of the TBRPC.

C. Is consistent with the adopted Pasco County Comprehensive Plan (the Comprehensive Plan).

D. Is consistent with the Pasco County Land Development Code (local land development regulations).

E. Is not in an area of critical State concern.

III. Approval Stipulations

A. Specific approval with conditions is granted for Phase I. Conceptual approval with conditions is granted for Phases II and III. Specific approval of Phases II and III shall require amendment of this Development Order after review and approval of an ADA limited to transportation and attendant air quality issues, pursuant to the requirements of Section 380.06(6), Florida Statutes.

B. The requirements of and conditions contained in this Development Order shall regulate the development of the property described in Exhibit C (legal description). Following the adoption of this Development Order, all plans for development on this property shall be consistent with the conditions and restrictions recited herein. Such regulations and restrictions shall be binding upon all Developer successors in interest to the property.

In the event the Development Services Branch believes a violation of the provisions hereof occurs, the Development Services Branch shall notify the Department of Community Affairs (DCA) and may issue a notice of noncompliance to the Developer and recommend that the Commission establish a hearing to consider the alleged violation. After providing the Applicant with an opportunity to be heard, and if it is determined by the Commission that a violation has occurred, all development related to the violation shall cease until the violation has been corrected.

C. All development specifically authorized by this Development Order shall be carried out as described in the Application unless otherwise modified by the provisions hereof.

1. Adverse impacts shall be mitigated as specified in the Application and in this Development Order.

2. The Developer's commitments set forth on Pages 22 through 24 of the DRI Final Report (attached as Exhibit D) shall be honored by the Developer.

D. Development of all phases, as described in the Application, shall be governed by the standards and procedural provisions of the Pasco County Comprehensive Plan in effect at the time of adoption of this Development Order, with the exception of transportation and attendant air quality issues in Phases II and III, which shall be governed by the standards and procedures in effect at the time specific approval is granted. Land development regulations shall be applied in a manner which is consistent with Chapter 163.3194(1)(b), Florida Statutes. In the event of a conflict between future land use

regulations and this Development Order, or the Pasco County Comprehensive Plan in effect at the time of adoption of the Development Order, the Development Order or Comprehensive Plan in effect at the time of adoption of the Development Order, as applicable, shall prevail, with the exception of transportation and attendant air quality issues in Phases II and III, in which case, the Development Order and Comprehensive Plan in effect at the time of specific approval of those areas shall prevail.

1. All conditions of the MPUD zoning approved on December 13, 1988, as amended on March 12, 1991, shall remain in effect, except as may be amended by the Pasco County Board of County Commissioners, and, to the extent not inconsistent herewith, are incorporated into this Development Order, by reference, as Exhibit E.

2. The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for twenty-two (22) years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

E. Development of any phase or subphase of NEW RIVER shall require the issuance of a Certificate of Level of Service Compliance (CLSC), ensuring that adequate infrastructure exists to serve the proposed phase or subphase and that the proposed development will not cause adverse impacts resulting in a reduction of Level of Service below the adopted minimum acceptable Level of Service standards as set forth in the Pasco County Comprehensive Plan.

F. The property is currently utilized for cattle grazing. Cattle grazing may be continued with no increase in densities or intensity of cattle management, except that cattle grazing will be terminated within the wetland preserves (designated W-6 and W-7) and upland habitat preserves (designated East, Central, West) associated with each of the three parcels (Lakes, Club, Oaks) when any development, as defined in Chapter 380, Florida Statutes, is initiated within that parcel. For purposes of interpretation and enforcement of this paragraph, there are approximately 300 cow/calf units currently grazing on property included in the New River DRI. When development is initiated within any of the three parcels (Lakes, Club, Oaks), the wetland and habitat preserves as defined above within that particular parcel shall be fenced with barbed wire. Additionally, the number of cattle on the remainder of the property will be reduced proportionately to the acreage of the preserve areas fenced off so that there will be no increase in densities or intensity of cattle on the remaining acreage. For example: Assume there are 1,800 acres and 300

cow/calf units. If 200 acres of preserve are fenced, that constitutes eleven (11) percent of the total acreage. Therefore, the 300 cow/calf units shall be immediately reduced by eleven (11) percent, which equals thirty-three (33) cow/calf units. The property is currently utilized for agricultural activities. It is understood that, while the use will cease when the BRI is built out, portions of the property will continue to be used for agricultural activities until build-out. There shall be no intensification of or new agricultural activities within preservation and conservation and wildlife management areas.

IV. Phasing and Duration

A. Phasing Schedule

1. Development of NEW RIVER shall proceed in accordance with the phasing schedules stated in Table 1 below or subphases thereof. A phase shall be considered complete upon issuance of the final record plat, or where no record plat is required, upon issuance of the final building permit for the phase.

TABLE 1
PHASING SCHEDULE (NOT CUMULATIVE)

Land Use	PHASE			Total
	Ph. I (1996)	Ph. II (2001)	Ph. III (2008)	
Residential* (Dwelling Units)	2,522	2,278	0	4,800
(Single-Family)	(2,069)	(1,835)		(3,904)
(Multifamily)	(453)	(443)		(896)
Retirement Units	(683)	(1,237)		(1,920)
Retail (GFA SF)	150,000	100,000	310,000	560,000
(Acres)	(16.9)	(10.0)	(25.3)	(52.2)
(Parking Spaces)	(750)	(500)	(1,550)	(2,800)
Office (GFA SF)	50,000	70,000	0	120,000
(Acres)	(4.7)	(6.5)	(0)	(11.2)
Golf/Racquet Club (GFA SF)	30,000	0	0	30,000
Clubhouse (GFA SF)	10,000	0	0	10,000
Golf Course (Acres)	135	0	0	135

*Note: Subject to the restrictions of nonretirement/retirement housing mix specified in Section N.1.b. No less than 27 percent of the units within Phase I and 54 percent of the units within Phase II (40 percent cumulative) shall be retirement units.

2. Excess infrastructure capacity constructed to potentially serve Phases II and III of NEW RIVER shall be at the Developer's risk and shall not vest later phase development rights with respect to Section 380.06, Florida Statutes.

B. Duration

1. This Development Order shall take effect forty-five (45) days after its rendition.

2. The duration of the Development Order shall be a period of twenty-two (22) years from its effective date. The effective period may be extended by the Commission upon a showing of good cause and as provided by statute. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

C. Commencement of Development

If physical development of NEW RIVER has not commenced within two (2) years of the effective date of this Development Order, the Commission shall determine, pursuant to Section 380.06(19), Florida Statutes, as amended, and the procedures outlined in Section VI.B.1. hereof, whether the delay represents a Substantial Deviation from the Development Order.

D. Build-out of Phases and Project

Build-out dates of each phase and the entire project shall be as of December 31st of each of the years listed on Table 1 above.

V. Specific Conditions

A. Land Use and Master Development Plan

1. Land use types, intensities, and locations shall be substantially as shown on the NEW RIVER Master Development Plan (Revised Map II, which is incorporated as Exhibit G to the Development Order), dated May 1991.

2. The Developer may use a land use tradeoff mechanism based on the subject residential uses generating equivalent impacts for Phase I. This land use tradeoff mechanism shall only be allowed for residential land uses and must adequately mitigate for residential public facility impacts. Tradeoff of general residential single-family, multifamily, and retirement residential land uses within Phase I, or subphases thereof, shall be permitted in accordance with Section V.N.3., "Tradeoff Mechanism". The Development Order shall be amended to incorporate any land use tradeoff via a Notice of Proposed Change to Pasco County, the TBRPC, and the DCA.

B. Water Quality and Drainage

1. Development of NEW RIVER shall not lower Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan.

2. A homeowners'/land owners' association or other entity (other than Pasco County) with assessment powers, shall be responsible for the operation and maintenance of all privately owned and operated on-site drainage facilities, except as may be

specifically determined otherwise by Pasco County during site plan/subdivision review. Said entity shall be identified prior to approval of the final construction plans for any such facility. Further, said entity shall be identified and listed in the next Annual Report after the approval of the final construction plans. If, however, Pasco County establishes a Countywide or areawide stormwater management system, then all on-site stormwater management facilities will become the responsibility of Pasco County, as provided for in any future stormwater management ordinance.

3. Prior to the issuance of any final development permits, a stormwater management plan for NEW RIVER or any increment thereof shall be submitted to the TBRPC for review and Pasco County and other appropriate regulatory bodies for review and approval. The following parameters and requirements of the current Pasco County Land Development Code shall be included in the stormwater management plan:

a. The proposed stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4, or 40D-40, F.A.C., and Pasco County stormwater management requirements. Treatment shall be provided by biological filtration wherever feasible.

b. Best management practices for reducing adverse water quality impacts as required by Pasco County and other appropriate regulatory bodies (e.g., a street cleaning program for parking and roadway areas within the development) shall be implemented.

4. In order to protect surface water quality, stormwater exiting the site shall meet all applicable State water quality standards. The Developer shall develop a surface water quality monitoring program to be instituted before construction commences and to continue through project build-out. The following parameters shall be included within the water quality monitoring program:

a. Sampling locations and specific parameters, including frequency (minimum of twice annually) of monitoring and reporting, shall be subject to Pasco County and other appropriate regulatory bodies' approval, and to the TBRPC review and comment.

b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/Florida Department of Environmental Regulation (EPA/FDER) quality control standards and requirements.

c. The monitoring results shall be submitted to Hillsborough County, the FDER, the Southwest Florida Water Management District (SWFWMD), 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 other appropriate regulatory bodies immediately. In the event there is a violation of any State water quality standard, the specific construction or other activity identified as causing the violation shall cease

until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the subbasin shall cease until the violation is corrected.

5. The Applicant shall formulate guidelines for the maintenance of NEW RIVER golf courses that addresses the limited use of herbicides, pesticides, and fertilizers and includes best management practices. These guidelines shall be formulated and implemented prior to the opening of the golf courses, and shall be submitted to Pasco County and other appropriate regulatory bodies for approval, and to the TBRPC review and comment. Any change in the guidelines shall require approval by Pasco County and other appropriate regulatory bodies, and shall be included in the Annual Report following the change.

6. Planning and development of NEW RIVER shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area.

C. Wetlands

1. Those portions of NEW RIVER which meet the definition of "preservation" and "conservation" areas as defined in the Council's adopted growth policy, Future of the Region, the Regional Comprehensive Policy Plan (adopted July 1, 1987; amended June 1988), Policies 10.1.2 and 10.3.1, and designated on Exhibit F (TBRPC Preservation/Conservation Areas Plan) attached, shall be so designated on all development plans submitted to Pasco County for approval. The specific limits of wetlands areas shall be as finally determined by the appropriate wetland permitting regulatory body.

2. In order to protect the natural values of preserved/conserved wetland areas, prior to development plan approval for any phase or subphase, the Applicant shall submit a wetland/lake management plan to the TBRPC, the FDER, and the SWFWMD for review, and to Pasco County for approval. The plan shall address, but not be limited to, control of exotic species, mitigation of impacted wetlands, control of on-site water quality, and methods for wetland restoration/enhancement. The wetland/lake management plan may be approved as part of the Master Drainage Plan.

3. No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in preservation areas as identified on the TBRPC Preservation/Conservation Areas Plan (Exhibit F). Existing annual hydroperiods, normal pool elevation, and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be commenced prior to on-site construction activity and continue for three (3) years following build-out of the subbasin surrounding each wetland monitored. Hydroperiod monitoring shall be conducted in accordance with the approved wetland/lake management plan. Monitoring sites shall be selected in cooperation with Pasco County and other appropriate regulatory bodies, and reviewed by the TBRPC. If it is determined by the appropriate

jurisdictional entity that preservation areas are being stressed due to project development activities, such development activity shall cease until a plan of remediation to correct the hydroperiod imbalance is agreed upon and any action required by the plan is initiated. The results of the monitoring activity shall be included in each Annual Report.

4. Natural buffering (wetland setbacks) around all wetland preservation and retained wetland conservation areas shall be as required, pursuant to Pasco County regulations current at the time of this Development Order approval, or the FDER or the SWFWMD regulations at the time permits are obtained, whichever is more restrictive, to provide an upland transition into the wetland areas and to protect the natural system from development impact.

5. No clearing, dredging, filling, or development activities shall be allowed within designated TBRPC preservation areas, except for necessary road and infrastructure construction, and elevated boardwalks for pedestrian and golf course use. Filling of preservation areas shall not be the result of golf course or parcel configuration.

6. All wetland losses shall require successful 1:1, in-kind, wetland replacement at a minimum. Mitigation for wetland losses shall be implemented prior to, or concurrent with, wetlands being disturbed. Enhancement or restoration of overdrained and stressed wetlands may be considered, by the appropriate regulatory body, in lieu of replacement.

7. Existing wetlands, which are permitted to be altered or eliminated, should be used as donor material for revegetation or mitigation areas where feasible.

8. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the appropriate permitting agency. Monitoring of mitigation areas and littoral shelves shall include species diversity, composition, and regeneration, as well as exotic species encroachment control. Mitigation shall not be deemed complete, unless an eighty-five (85) percent survival of planted species is maintained at the end of three (3) years. All monitoring reports required by permits issued by the appropriate regulatory bodies shall be submitted to the TBRPC and Pasco County for the previous year at the time of each Annual Report.

9. Wetland mitigation area shall not be located in designated upland habitat preserves.

D. Flood Plain/Disaster Preparedness

1. Elevations for all habitable structures shall be at, or above, a 100-year flood plain elevation. All preliminary/site plan submittals shall show 100-year flood elevations. Roadways providing access to residential areas shall be at, or above, Pasco

County-required flood plain elevations as identified in the Pasco County Land Development Code.

2. No fill shall be added within the 100-year flood plain without storage compensation. There shall be no impervious surfaces, except for roadways and appurtenances incidental thereto and pedestrian and bicycle paths, constructed within the twenty-five (25) year flood plain.

3. Prior to the approval of any mobile home development, the Developer shall submit a Notice of Proposed Change, pursuant to Chapter 380.06(19), Florida Statutes, and amend the Development Order to incorporate said change.

E. Vegetation and Wildlife

1. The areas identified as "upland preserves" (Revised Exhibit 1 in the NEW RIVER Wildlife Management Plan) shall be preserved from future development, except as provided in E.3. below.

2. The NEW RIVER Wildlife Management Plan dated April 9, 1991, (revised June 7, 1991) is hereby incorporated into the Development Order by reference as Exhibit H. Any change to the Plan shall be subject to a Section 380.06, Florida Statutes, Substantial Deviation determination. Habitat preservation for all species of special concern, threatened species, and endangered species, found on tracts planned for development shall be deemed complete by compliance with the Management Plan when implemented. Reasonable access to undeveloped areas of the project shall be given to conduct an appropriate follow-up survey for species of special concern, endangered species, or threatened species should such a need for continued surveys be determined necessary by the FGFWFC.

3. No dredging, filling, or development activities shall be allowed within the three (3) designated upland habitat preserves and the two (2) wetland habitat preserves designated as wetlands W-6 and W-7 on Figure 16-1 of the DRI/ADA, except for underground utility crossings and piped drainage conveyances, which will be installed and maintained in such a manner so as to avoid adverse impacts to the preserve.

4. Any proposal to change Master Development Plan designated preservation uses, as shown on Exhibit "F", shall be a substantial deviation.

F. Historical and Archaeological Sites

Any historical or archaeological resources, other than the previously identified lithic and artifacts scatter sites, discovered during development activities of NEW RIVER, shall be immediately reported to the Florida Division of Historical Resources and Pasco County, and treatment of such resources shall be determined in cooperation with the Florida Division of Historical Resources and Pasco County. Treatment of resources, as

required by law, must be completed before resource-disturbing activities are allowed to continue.

G. Land

1. The measures to reduce soil erosion and fugitive dust, referenced on Page 14-3 of the Application, shall be implemented.

2. Prior to commencing development of any phase, the Developer shall provide the Pasco County Survey/Engineering Services Department with one pair of Global Positioning Satellite (GPS) control points with twenty-four (24)-hour access. The location shall be mutually determined by the Developer and the County Surveyor. The Developer's existing survey shall be valid for permitting purposes until final plat approval is requested. All final plats will be referenced from this point (F.A.C. 21HH-6). All GPS points shall be installed per F.A.C. 21HH-6.

H. Air Quality

1. Specific approval of Phases II and III of NEW RIVER, as proposed in the Application, shall be contingent upon Chapter 380.06(6), Florida Statutes, as amended, air quality review and approval, which shall be initiated with submittal of an ADA as provided in Paragraph III.A. above. If any adverse air quality impacts are identified as being caused by NEW RIVER, this Development Order shall be amended to incorporate conditions for curing or mitigating such impacts.

I. Economy

1. The Developer shall encourage the development and promotion of a day-care system.

2. The Developer shall encourage entrepreneurship and small and minority-owned business start ups, and provide for nondiscriminatory employment opportunities within NEW RIVER.

J. Utilities: Water Supply, Wastewater Treatment, and Electric Power Services

1. Water, wastewater, and reclaimed water services will be provided by Pasco County, in accordance with Pasco County water use and sewer use ordinances, as amended. The Developer shall construct all water and wastewater facilities within the development to Pasco County standards, current when application is made for connection, in accordance with an approved Master Utility Plan and any utility service agreement(s) for NEW RIVER.

2. Development of NEW RIVER shall not lower delivery of water and wastewater utility service below the acceptable Levels of Service established in the Pasco County Comprehensive Plan. Documentation of adequate capacity to serve the project shall be obtained from Pasco County and shall be reported in the Annual Report for the year in which application for service is made.

3. NEW RIVER sewer collection and transmission lines not required to be dedicated to Pasco County shall be monitored for leaks and ruptures on a triannual basis by the Developer, or by a homeowners'/landowners' association, and a homeowners'/landowners' association with assessment powers, subsequent to Developer control. Faulty lines shall be repaired immediately.

4. An acceptable plan shall be submitted to Pasco County for approval, to the West Coast Regional Water Supply Authority, the TBRPC, the FDER, and the SWFWMD for review for the use of nonpotable water on-site for irrigation. The plan shall be completed, submitted, and approved prior to the issuance of the first preliminary/site plan approval. The plan shall include an implementation schedule. The plan shall require use of the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water and groundwater. Potable water (i.e., water that is treated and provided through a public distribution system) shall not be used for the irrigation of common areas.

5. Water saving fixtures shall be required in the project, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes), and xeriscape type landscaping shall be used to the greatest extent feasible.

6. The planning and development of NEW RIVER shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area.

7. Prior to construction of any phase or subphase, assurance of adequate water supply capacity and wastewater capacity for that phase or subphase must be provided. Said assurance shall include adequate water supply for firefighting purposes.

K. Solid/Hazardous Waste

1. The collection, transportation, and disposal of solid waste is controlled by County ordinances and shall take place in accordance with the terms thereof.

2. Development of NEW RIVER shall not lower delivery of solid waste collection/disposal beyond the acceptable Levels of Service established in the Pasco County Comprehensive Plan. Documentation of adequate disposal capacity, including assurance of adequate hazardous waste and material disposal, to service the project shall be obtained from Pasco County or other appropriate entities, and shall be reported in the Annual Report for the year in which application for service is made.

3. The commercial/office area shall provide to their associated businesses information that:

a. Indicates which types of waste and materials are considered to be hazardous and are to be stored or disposed of only in the specially designated container/areas; and

b. Describes construction requirements for hazardous waste holding areas;
and

c. Advises of applicable statutes and regulations regarding hazardous waste and materials.

4. The Developer shall adhere to all Federal, State and local legislation concerning hazardous materials.

L. The Developer shall notify all tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA) and shall be documented in each Annual Report.

M. Energy

1. The energy conservation measures referenced on Page 25-2 of the ADA shall be implemented.

2. All NEW RIVER tenants, businesses, and residents shall be encouraged, where economically feasible, to:

a. Use energy alternatives, such as solar energy, waste heat recovery, and cogeneration;

b. Use landscaping, building orientation and building construction, and design to reduce heat gain;

c. Work with or designate an energy officer to establish energy policies, monitor energy use, and encourage conservation by project businesses. Energy audits by the Withlacoochee River Electric Cooperative may fulfil part of this requirement;

d. Institute programs to promote energy conservation by employees, buyers, suppliers, and the public;

e. Institute recycling programs;

f. Reduce levels of operation of all air conditioning, heating, and lighting levels during nonbusiness hours;

g. Eliminate advertising requiring lighting after business hours; and

h. Install total energy systems where cost effective.

3. A report on the implementation of, and participation in, these and other energy programs shall be included in each Annual Report.

N. Transportation

1. Approval - Specific approval is provided for Phase I of NEW RIVER, as defined herein. Phases II and III of NEW RIVER are subject to review pursuant to Chapter 380, Florida Statutes, as amended, for the transportation impacts of each phase and shall require review and approval of an ADA through a Development Order Amendment to establish the conditions for mitigating these impacts. The following conditions are

established for purposes of mitigating Phase I impacts. Issuance of development permits by the County for the project shall require a determination by the County of compliance with the conditions set forth herein.

a. For the purposes of this Order, funding commitments shall be defined as placement of construction monies for the improvements in the adopted Five-Year Capital Improvement Element of the Pasco County Comprehensive Plan or the adopted Florida Department of Transportation Five-Year Work Program, provided that the required transportation facility is scheduled to be commenced within the first three (3) years. Any other funding commitments can be in the form of enforceable developer's agreements; however, in all such cases, the necessary improvements shall be in place when the impacts of development occur can be either in the form of financial contributions or contributions in aid of construction or Developer's commitments for actual construction in accordance with a developer agreement pursuant to Chapter 163, Florida Statutes, requiring commencement of construction within three (3) years of the date of the agreement and, if necessary, amendment of this development order, completed construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the Pasco County (the County); or the State of Florida (the State); to the extent authorized by the Pasco County Land Development Code; or any other funding mechanism approved by the County; or any combination of the foregoing; In order for any funding commitment described above to be valid; the construction dollars for the needed improvement must be committed within the time period as required by the Pasco County Comprehensive Plan; as it may be amended; however, said commitment shall not exceed a time period of three (3) years from the need for the improvement and construction of any such improvement shall begin within three (3) years.

b. Phase I development is described as follows:

PHASE I SPECIFIC APPROVAL

PARCEL ONE (LAKES)

<u>Land Use</u>	<u>Size</u>
Single-Family	610 d.u.
Multifamily	120 d.u.
Racquet Club	10,000 s.f.
Office	50,000 s.f.
Retail	125,000 s.f.

PARCEL TWO - RETIREMENT (CLUB)

<u>Land Use</u>	<u>Size</u>
Single-Family	550 d.u.
Multifamily	133 d.u.
Golf Course	135 ac.
Golf/Racquet Club	20,000 s.f.

PARCEL THREE (OAKS)

<u>Land Use</u>	<u>Size</u>
Single-Family	909 d.u.
Multifamily	200 d.u.
Clubhouse	10,000 s.f.
Retail	25,000 s.f.

c. The Developer may proceed with the development anywhere within Phase I, or a subphase thereof, under the conditions set forth below. The following option may be utilized with the County's prior approval.

Option 1

(1) Subphasing

Regional Roadways - The Developer shall proceed with subphases, based on the need to maintain Level of Service standards on the roadways identified in Table 2. Specific approval is granted for the first subphase for up to 547 primary single-family units (nonretirement) or equivalent land uses. Capacity for 547 units is hereby reserved on the County's Concurrency Management System. Before proceeding further and prior to approval of each additional subphase or the date of required commitment listed in Table 2, the County shall make a determination that adequate commitments, as defined in N.1.a. above, are provided for roadway improvements identified in Table 2, and that all roadways in Table 2 will operate at the Levels of Service specified in Table 2. In no case shall the subphases exceed the impacts identified in the ADA for Phase I of the development (2,392 PM peak hour external trips). The DRI traffic analysis, which is consistent with the requirements of Chapter 380.06, Florida Statutes, provides an acceptable "detailed analysis" pursuant to the Pasco County Comprehensive Plan and compliance with said analysis findings ensures Level of Service compliance for regional roadways. For the purposes of this Development Order, Level of Service Compliance Review for regional roadways shall be based upon compliance with Table 2. Roadways that are considered to be regional for purposes of this review shall be the following: I-75 (S.R. 93), U.S. 301 (S.R. 41), U.S. 98 (S.R. 35), U.S. 41 (S.R. 45), U.S. 19 (S.R. 55), S.R. 52, S.R. 54, C.R. 54, S.R. 39, C.R. 471, C.R. 579, C.R. 578, C.R. 577, C.R. 581, C.R. 35A, Chancey Road, S.R. 471, C.R. 595, C.R. 587, C.R. 583, S.R. 597, Little Road (C.R. 1), Alternate U.S. 19 (S.R. 595). This list is established based upon the Regional Roadway Map as approved by the TBRPC.

TABLE 2
PART A

ROADWAY SEGMENT THRESHOLDS AND REQUIRED IMPROVEMENTS

Segment Number	Roadway	Roadway Segments		LOS Standard	PM Peak Hour External Trips	Date Commitment Is Necessary	Required Roadway Improvement
		From	To				
1	S.R. 54	C.R. 581	C.R. 577	D	727	12/92	4-Lane Divided Rural
2	S.R. 54	I-75	C.R. 581	D	749	1/93	4-Lane Divided Rural
3	S.R. 54	W. Site	E. Site	D	999	6/93	4-Lane Divided Rural
4	S.R. 54	E. Site	New River	D	999	6/93	4-Lane Divided Rural
5	S.R. 54	New River	C.R. 579	D	1,014	7/93	4-Lane Divided Rural
6	S.R. 54	Pasco	I-75	D	1,034	8/93	4-Lane Divided Rural
7	S.R. 54	C.R. 577	W. Site	D	1,062	9/93	4-Lane Divided Rural
8	S.R. 54	C.R. 579	Dean Dairy	D	1,340	3/94	4-Lane Divided Rural
9	S.R. 54	S. Allen	2nd	D	1,684	10/94	4-Lane Divided Urban
10	C.R. 581	S.R. 54	County Line Road	D	2,210	9/95	4-Lane Divided Rural
11	S.R. 54	Dean Dairy	S. Allen	D	2,392	12/95	4-Lane Divided Urban

NOTE:

1. The number of New River PM Peak Hour new external vehicle trips that can access the regional roadway prior to requiring road segment improvement.
2. In no event shall the number of PM peak hour external trips exceed 2,392 PM Peak Hour vehicle trips for Phase 1.
3. Date when an adequate commitment to make the required improvement must be made.

TABLE 2
PART B
NEW RIVER DRI
PHASE ONE
INTERSECTION IMPROVEMENTS

<u>Corresponding</u> ⁽¹⁾ <u>Road Segment</u>	<u>Location</u>	<u>Improvements</u> ⁽¹⁾
2	S.R. 54 at Pasco Road	Signalize S.R. 54 as 4L WB Right
2	S.R. 54 at I-75 (West)	Signalize S.R. 54 as 4L
3	S.R. 54 at I-75 (East)	Signalize S.R. 54 as 4L
1	S.R. 54 at C.R. 581	Signalize S.R. 54 as 4L C.R. 581 as 4L
1	S.R. 54 at C.R. 577	Signalize S.R. 54 as 4L
7	S.R. 54 at C.R. 579	Signalize S.R. 54 as 4L
8	S.R. 54 at Dean Dairy	S.R. 54 as 4L
8	C.R. 579 at Chancey	Signalize

NOTE: ⁽¹⁾ Intersection improvements correspond with link improvements identified in Table 2, Part A. These improvements will be provided to the intersections, with the roadway segment improvement. New signalization will be provided subject to MUTCD warrants.

TABLE 2
PART C
SITE INTERSECTION IMPROVEMENTS

<u>Location</u>	<u>Improvements</u> (1)
S.R. 54 at New River Lakes at West Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out
S.R. 54 at New River Lakes at Commercial Dr.	Signalized S.R. 54 as 4L
S.R. 54 at New River Lakes at East Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out
S.R. 54 at New River Country Club at West Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Country Club at East Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at West Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at East Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out

NOTE: (1) Signalization shall be provided subject to MUTCD Signal Warrants. Access improvements will be made consistent with site development.

Local roadways - Level of Service Compliance for nonregional (local) roadways shall be required in accordance with Pasco County's Concurrency Management System. Increments may be smaller than the subphases identified in Table 2 for regional roadways. Any Certificate of Level of Service Compliance shall be consistent with the terms of this Development Order, and in no case will Certificates of Level of Service Compliance be issued for development which exceeds the subphase funding commitments authorized under Table 2 for regional roadways.

(2) Level of Service Monitoring - In the event that funding commitments for transportation improvements are adequate to permit only the development of a portion of the phase or subphase, the Developer shall have the option to submit to the County, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, updated traffic counts on the regional roadways listed in Table 2, which do not have commitments for required transportation improvements. The Developer shall further submit projections of traffic volumes that will include the currently approved project development, plus the volumes to be generated by the next portion of development for which the Developer is seeking approval and future background traffic. At the time of submission, the Developer shall confirm that sufficient roadway capacity exists on affected roadways. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities at or above peak hour LOS standard. Any changes to Table 2 shall be implemented by an amendment to this Development Order.

2. Credits - The Developer is eligible to apply for impact fee credits pursuant to Chapter 380.06(16), Florida Statutes, and Pasco County Ordinance No. 90-04, as it may be amended, and the Developer shall receive credits as authorized by the Ordinance.

Pursuant to the DRI Transportation Analysis and in accordance with the County Transportation Impact Fee Ordinance (Ordinance No. 90-04, as amended), Pasco County hereby finds that transportation impacts resulting from NEW RIVER proposed development will occur within more than one (1) impact fee zone. Allocation of fees shall be in accordance with said Ordinance, as amended.

3. Tradeoff Mechanism - In accordance with the limits established in R.2. and Table 1, the Developer shall be permitted to tradeoff a portion of the general residential and retirement residential, and single-family and multifamily land uses in the development, so long as the change does not increase the PM peak hour directional traffic of the development for Phase I, or subphases, as defined by development thresholds requiring roadway improvements in Table 2. External trip generation rates provided in Table 3, shall be used to tradeoff between the residential land uses. The Developer shall prepare

a request for tradeoff for review and approval by the County, which demonstrates that the change in the relative amounts of approved residential land uses will not create additional PM peak hour traffic beyond that approved for the Phase I of the development or a subphase thereof.

4. Transportation Systems Management Program - The Applicant shall prepare and implement a Transportation Systems Management (TSM) program, prior to issuance of Certificates of Occupancy for Phase II development, which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Phase II traffic analysis. The plan shall be reviewed by the County MPO staff, the TBRPC and the Florida Department of Transportation (FDOT), as appropriate.

The TSM program shall include yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates that the total peak hour trips exceed projected trips by more than ten (10) percent, the County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and, if applicable, amend the Development Order to change TSM objectives and/or require additional roadway improvements. The result of the TSM study may serve as a basis for the Developer, or reviewing agencies, to request Development Order amendments.

In addition, this TSM program shall be developed in cooperation with the FDOT, the Pasco MPO, and the TBRPC. This program shall seek to implement the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

Objectives:

-- Increase urban area peak hour automobile occupancy rates by ten (10) percent by 1995 through expanded ridesharing efforts.

-- Increase peak hour occupancy rates for transit and other high occupancy vehicles by twenty (20) percent by 1995".

TABLE 3
TRIP GENERATION⁽¹⁾
FOR
DEVELOPMENT SUBPHASING AND PROJECT MONITORING

<u>Land Use</u>	<u>Trip Rate Per Unit</u> ⁽²⁾			<u>External P.M. Peak Hour</u>		
	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Residential S.F.	.63	.37	1.00	.53	.27	.80
Residential M.F.	.46	.22	.68	.38	.16	.54
Retirement Com. ⁽³⁾	.157	.123	.28	.157	.123	.280
Office	.36	1.84	2.20	.30	1.46	1.76
Retail	3.28	3.41	6.69	2.15	2.31	4.46
Racquet Club	.50	1.00	1.50	.20	.40	.60
Club House	.50	1.00	1.50	.20	.40	.60

NOTES:

- (1) Rate incorporates internal capture as documented in the ADA.
- (2) Units = Dwelling Unit/1,000 Square Feet GLA.
- (3) The initial trip generation rate for the retirement community (NEW RIVER COUNTRY CLUB) is based on ITE Trip Generation Report Fifth Edition Retirement Communities. Upon approval of an analysis methodology by the County and TBRPC, the Developer shall undertake a trip generation study of the actual trip generation of the retirement community. Said study shall be initiated following issuance of 500 retirement dwelling unit Certificates of Occupancy. Additional studies may be undertaken periodically thereafter. The study shall establish a PM peak hour directional trip generation rate by residential unit for the retirement community which includes residential dwelling units and support land uses which are part of the retirement community. The findings of the trip generation study as approved by the County will be used to replace the retirement dwelling unit and support land uses trip generation rate and tradeoff matrix. The results of the study shall be incorporated by an amendment to the Development Order pursuant to Section 380.06(19) Florida Statutes.

TRADEOFF MATRIX

<u>Land Use From</u>	<u>To</u>	<u>Dwelling Units*</u>
Gen Res S.F.	Gen Res M.F.	1.48
Gen Res S.F.	Retirement D.U.	2.86
Gen Res M.F.	Gen Res S.F.	.67
Gen Res M.F.	Retirement D.U.	1.93
Retirement D.U.	Gen Res S.F.	.35
Retirement D.U.	Gen Res M.F.	.52

*Based on Peak Directional External Traffic

5. Annual Monitoring - Annual monitoring will commence when Building Permits have been issued for development which is projected to either generate 582 PM peak hour vehicle trips (based on trip generation data provided in Table 3). The annual monitoring program, with a methodology approved by Pasco County and the TBRPC, shall provide PM peak hour traffic counts at the project entrances to verify that the projected number of external trips for the development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in each required Annual Report. If the Annual Report indicates that actual trips exceed projected counts by more than ten (10) percent, the County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes, as amended, and shall, if applicable, amend this Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, as amended, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

6. Access Management - Access for NEW RIVER shall substantially conform to the conditions of MPUD zoning approval, as such conditions relate to median cuts and project entrances. However, in the plan approval process, the Developer may propose, and the County may approve, modifications to such access conditions provided the modifications enhance, or do not otherwise degrade, the operating Level of Service of the affected roadway segment. Additional modifications may be proposed by the Developer, and approved by the County, upon demonstration that such modifications are consistent with good traffic engineering principles and will enhance the safety of the traveling public. Furthermore, any access to State roadways shall require the FDOT's approval.

0. Educational Facilities

1. The Developer shall be obligated within a period of five (5) years from the date of approval of this Development Order to perform one (1) of the following requirements:

a. The Developer shall contribute a fifteen (15)-acre site to be located within NEW RIVER with adequate infrastructure (roadway, utilities) that is suitable and acceptable to the Pasco County School Board, for the purposes of locating an elementary school; or

b. The Developer shall pay to the Pasco County School Board the sum of \$57,433.00 (Fifty-Seven Thousand, Four Hundred Thirty-Three Dollars and 00/100), which

amount is to be used toward the purchase of an elementary school site to service the NEW RIVER project.

The Developer shall receive credit for the above contribution against any future education impact fees.

2. Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designated, and developed as an adult community, pursuant to the assumptions of the ADA and Section 760.29, Florida Statutes. The Developer shall comply with all Federal and State statutes in establishing these deed restricted adult communities.

P. Recreation and Open Space

1. Development of NEW RIVER shall not lower delivery of parks and recreation services below the acceptable Levels of Service established in the Pasco County Comprehensive Plan.

2. The Developer shall either donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments to mitigate for NEW RIVER parkland impacts. Land donation and/or fee payments for the proposed number of residential units shall be made at the rate of one (1) acre per 100 units or \$100.00 (One Hundred Dollars and 00/100) per unit. Any park sites so donated shall include a minimum of twenty (20) acres and shall consist entirely of nonjurisdictional upland areas. Land donations shall occur prior to the first project record plat approval or, if no record plat is required, prior to the issuance of the first project building permit. Park location shall be mutually agreed upon by the Pasco County Parks and Recreation Department and the Developer. Fees in lieu of donation shall be paid at the time of record plat approval or, if no record plat is required, at the time of the first building permit issuance. The Developer shall also provide to the County a \$50.00 (Fifty Dollars and 00/100) per unit (unless modified by Ordinance) Park Service Fee, prior to the first record plat approval for each increment or where no record plat is required, prior to the first building permit for each increment.

3. Public park and recreational facilities shall be accessible to the elderly, handicapped, and economically disadvantaged as required by law.

4. Prior to commencement of construction of any phase or subphase, the entity(ies) responsible for the maintenance of all recreational and open space areas within that phase or subphase shall be identified. Changes of the responsible entities shall be subject to the approval of Pasco County. Responsible entity(ies) identified shall be stated in the first Annual Report following each phase or subphase approval.

5. Prior to construction permits being issued to the Developer for any phase or subphase which contains any public or private parks, open space, or golf courses

designated by the Developer on the Master Development Plan, those open space uses shall be restricted to remain as an active or passive recreational open space amenity.

6. All golf cart and pedestrian golf course ways shall incorporate bridges to cross wetlands in a manner so as to maintain the desired wetland hydroperiod and flow.

Q. Health Care/Police/Fire

1. Pasco County shall provide Fire, Police, and EMS service to the development.

2. NEW RIVER shall be constructed to meet or exceed State and local fire codes and regulations. Prior to the issuance of building permits, the Developer shall provide assurance that the buildings will be supplied with sprinkler systems and that functioning fire hydrants, in sufficient number and appropriate locations to accommodate the fire fighting operations, will be provided.

3. Upon issuance of the 750th single-family residential building permit, the Developer agrees to fund the reasonable costs of construction of a replacement building for the Chancey Road Fire Station not exceeding 4,200 square feet. The construction costs for which the Developer is responsible shall not include any cost for landscaping, equipment, parking area, or other ancillary development. The building construction shall be in substantial conformance with those plans for a prototype fire station prepared on behalf of the County by Charles A. Partin, with the one exception that the existing flat-roof design will be modified to a slope structure "hip" roof type, and all dormitories may be located on a single side of the truck bays. The County agrees that this funding obligation of the Developer shall be reduced by requiring a prorated contribution, as determined by the County, for any new DRI receiving fire service from the station and by requiring any previously approved DRI, wherein such a contribution is authorized, to pay its prorated share of such construction cost. In the event the Developer has funded the construction prior to the approval of any DRI, then the Developer will be reimbursed for such funding on a pro rata basis from the subsequently approved DRI. The Developer shall not be responsible for any fire service or emergency service impact fee, or any fire service or emergency service component of a public safety impact fee subsequently adopted by the County, as the contribution by the Developer, as set forth herein, is intended to mitigate the impacts of Phase I, Phase II, and Phase III of the development.

R. Housing

1. The project shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designated and developed as an adult community pursuant to the assumptions of the ADA

and Section 760.29, Florida Statutes. The Developer shall comply with all Federal and State statutes in establishing these deed restricted adult communities.

S. General Conditions

1. Any outstanding amount for initial review by the TBRPC shall be paid within fifteen (15) days after a detailed billing in accordance with the rule. Payment for any future activities of the TBRPC with regard to this development including, but not limited to, monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the Rule 9J-2.0252, F.A.C.

2. Should the Developer divest himself of all interest in the project prior to the expiration of this Development Order, the Developer shall designate the successor entity to be responsible for preparation of the Annual Report.

3. If there is an internal conflict between provision(s) of this Development Order, then the more stringent provision(s) shall prevail.

VI. Procedures

A. Monitoring

1. Monitoring of NEW RIVER by the County shall be the responsibility of the County Administrator or his designee at the time of Annual Report submittal approvals.

2. The Developer shall provide an Annual Report on the required form to the Development Services Branch, the TBRPC, and the DCA on the anniversary date of final adoption of this Development Order each year during the term of this Development Order. The contents of the Annual Report shall meet the requirements of Section 380.06(18), Florida Statutes, and shall include all additional data and information, as required in this Development Order.

3. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Developer and shall declare the project not to be in compliance with the Development Order. Should the report not be submitted within thirty (30) days after such notification, all on-going development activity, further issuance of building permits, and extension of services to the project shall cease immediately pursuant to Section 380.06(17), Florida Statutes, as amended, until a public hearing has been held, pursuant to Section 380.06(19), Florida Statutes, as amended, to determine if a Substantial Deviation determination has occurred.

4. In addition to the required elements of the Annual Report, the Developer shall include:

a. The cumulative number of units developed through the land use tradeoff mechanism;

b. The cumulative number of units (du's by type, square feet of retail, industrial, etc.) with site plan approval (preliminary plan, construction plan, site plan), platted, constructed, and occupied;

c. A synopsis of all DRI and zoning amendments;

d. A synopsis of ownership (major parcels);

e. A list of DRI development order and zoning conditions of approval met by the developer.

B. Amendments/Substantial Deviations

1. Proposed or necessary changes to the Development Order must undergo a review by the Commission. Application to amend any provision of this Development Order shall be made on the required form (Notice of a Proposed Change to a Previously Approved DRI), and shall be provided by the Developer to the TBRPC, the DCA, and Pasco County. Review and approval shall be carried out pursuant to the provisions of Section 380.06(19), Florida Statutes, as amended, prior to implementation of such changes.

C. Notice of Adoption

1. A Notice of Adoption of this resolution shall be filed and recorded in the public records of Pasco County, Florida, in accordance with Section 380.06(15)(f), Florida Statutes, as amended.

2. The Clerk of the Commission shall return eight (8) signed and certified copies of this Development Order and Notice of Adoption to the Pasco County Development Services Branch. The Development Services Branch shall then send out the copies of each document to the DCA and the TBRPC, and to attorneys of record in these proceedings.

D. Severability

If any section, subsection, sentence, clause, or provision of this resolution is held invalid, the remains of the resolution shall be construed as not having contained said section, subsection, clause, or other provision, and shall not be affected by such holding.

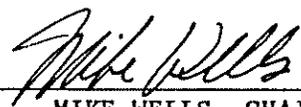
DONE AND RESOLVED this 24 day of MARCH, 1992.

(SEAL)

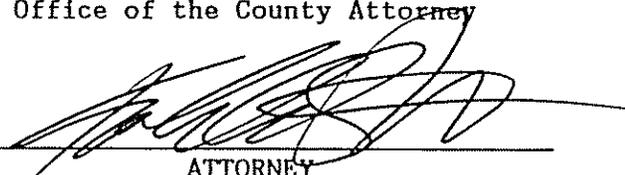
BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: 
JED PITTMAN, CLERK

BY: 
MIKE WELLS, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: 
ATTORNEY

NEW RIVER
DEVELOPMENT ORDER
LIST OF EXHIBITS

- *EXHIBIT A - Application for Development Approval (ADA), Sufficiency Responses, and NEW RIVER Updated Subphase Traffic Analysis (December 6, 1991)
- *EXHIBIT B - Findings of Fact
Pages 25-49 of Adopted the TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT C - Legal Description
- EXHIBIT D - Developer's Commitments
Pages 22-24 of Adopted TBRPC DRI Final Report (August 12, 1991)
-
- EXHIBIT E - MPUD Rezoning Conditions of Approval
MPUD Amendment - March 12, 1991 (File No. PL91-257)
MPUD - December 13, 1988 (Petition No. 4061)
- EXHIBIT F - The TBRPC Preservation/Conservation Wetlands Map
- *EXHIBIT G - Revised Map H, dated May 1991.
- *EXHIBIT H - Wildlife Management Plan

*These Exhibits are incorporated into this Development Order by reference and are not specifically attached.

EXHIBIT C
Legal Description

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

AND THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF AND THE EAST 3/4 OF THE NORTH 1/2 AND THAT PORTION OF THE WEST 5/8 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF STATE ROAD 54, AND THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS, COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA, AND RUN S89°54'43"E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 2,203.99 FEET; THENCE S07°57'05"W, 685.63 FEET FOR A P.O.B.; THENCE RUN S82°02'55"E, 600.00 FEET; THENCE S07°57'05"W, 361.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE N82°02'55"W; THENCE RUN S07°57'05"W, 10.00 FEET TO A RIGHT-OF-WAY MARKER OF STATE ROAD NO. 54; THENCE CONTINUE N82°02'55"W, ALONG SAID RIGHT-OF-WAY 87.00 FEET; THENCE RUN N07°57'05"E, 371.55 FEET TO THE P.O.B.

AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 30.00 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET THEREOF, AND THE WEST 30.00 FEET OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET, THEREOF, AND THE WEST 30.00 FEET OF THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, LYING NORTH OF THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54, LESS THE WEST 1,828.75 FEET THEREOF AND BEING FURTHER SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS TO A PRIVATE FAMILY CEMETERY OVER AND ACROSS THE SOUTH 25.7 FEET OF THE EAST 25.00 FEET OF SECTION 11, AND THE SOUTH 25.7 FEET OF THE WEST 159.85 FEET OF SECTION 12 AND THE WEST 25.00 FEET OF THAT PORTION OF SECTION 13 LYING NORTH OF STATE ROAD NO. 54, AND THE NORTH 24.3 FEET OF THE WEST 159.85 FEET OF SAID SECTION 13 AND THE EAST 25.00 FEET OF THAT PORTION OF SECTION 14, LYING NORTH OF STATE ROAD NO. 54

AND THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS THE WEST 1,828.75 FEET THEREOF, LYING NORTH OF STATE ROAD NO. 54. CONTAINING 1,800.85 ACRES.

PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

EXHIBIT D
Developer's Commitments

DRI #210

NEW RIVER

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

The project will be governed by the Pasco County Zoning Code and all local development regulations. (ADA, page 12-4)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

Appropriate procedures will be employed to control wind erosion and fugitive dusts, as required by Pasco County. (ADA, page 13-3)

The applicant is willing to have a Development Order Condition that, if the FDER parking thresholds are planned to be reached or surpassed in the future, an appropriate air quality analysis of the pertinent parking facilities would be prepared. (SR1, page 13-9)

Wetlands

Stormwater (developer clarification: primary treatment facilities) associated with the proposed development will be excavated from uplands. (SR1, 16-3)

A combination of haybales and Envirofence will be utilized to protect the marsh areas to be preserved. (SR1, 16-3)

Lakes/retention ponds that are located adjacent to, or in proximity to, wetlands will be designed after careful determination of the seasonal high water and normal pool elevations associated with the wetland. (SR1, 16-5)

(Developer clarification: As mitigation for wetlands impacts the applicant will enhance the wetland functions of selected) preserved marshes. (ADA, page 16-6)

Floodplains

All permanent habitable structures will be constructed with floor elevations at or above the 100-year flood level. (ADA, 17-8)

Vegetation and Wildlife

Three upland preserves will be located within the development providing for wildlife habitat and acting as a natural buffer between developed areas of the project. (SR3, page 1)

Should the Florida sandhill crane be documented in the future to nest on site, their management will be addressed in association with construction permit applications. (New River Wildlife Management Plan (NRWMP), page 19)

Wildlife underpasses will be provided along the primary New River riparian corridor between upland preserves. (NRWMP, page 21)

Monitoring will be conducted by a qualified biologist at least annually for five consecutive years once active management of a given preserve has been initiated. Monitoring will then occur every fifth year. Results of the monitoring will be submitted to the FGFWFC within 60 days of the monitoring event. - However, after ten years, monitoring will be subject to termination or modification at any time upon mutual consent of the FGFWFC and the entity responsible for preserve management (e.g., developer, homeowners association). (NRWMP, page 22)

Gopher tortoises monitoring will be conducted as described in (developer clarification: the New River Wildlife Management Plan). (NRWMP, page 22)

Surveys for scrub jays will be conducted during the spring in the year prior to the prescribed burn (or mechanical treatment) for each management unit and at the midpoint of each burn cycle for xeric oak and pine flatwoods habitat types. (NRWMP, page 23)

Habitats designated for preserve areas will be protected in perpetuity through the Pasco County MFUD rezoning process. (NRWMP, page 23)

Historical and Archaeological Sites

Should any archaeological or historical resources be discovered during development construction, the disposition of such resources would be determined in cooperation with the State Division of Historical Resources and Pasco County. (SR1, 19-1)

PUBLIC FACILITIES

Drainage

The natural flow pattern of New River and its various tributaries will be maintained. (ADA, page 22-1)

EXHIBIT E
MPUD Rezoning Conditions of Approval

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 2/20/91

FILE: PL91-257

THRU: William G. Munz
Assistant County Administrator
(Development Services)

SUBJECT: The Brown Site - Master Planned
Unit Development Amendment
Date of Meeting: March 12, 1991
Type of Action: Consent

FROM: Frederick J. Lowndes
Assistant Planning and Zoning
Director/Zoning Administrator

REFERENCES: Land Development Regulations,
Section 520.6(F),
Substantial Changes; District 2

It is recommended that the data herein presented be given formal consideration by the County Commission.

Commission District:	The Honorable Bonnie D. Zimmer
Project Name:	The Brown Site Master Planned Unit Development (MPUD)
Developer's Name:	FLAC Development, Inc.
Location:	The north side of S.R. 54, approximately five miles east of Interstate 75, in Sections 10, 11, 12, 13, 14 and 15, Township 26 South, Range 20 East.
Zoning District:	MPUD
Acreage:	1,800.85
No. of Dwelling Units:	4,800
Type of Dwelling Units:	Single-Family and Multifamily
Commercial Acreage/Gross Square Feet:	680,000 Gross Square Feet on 63.4 Acres

BACKGROUND:

On December 13, 1988, the Pasco County Board of County Commissioners approved the Brown Site Master Planned Unit Development, Petition #4061.

On November 15, 1990, the Board of County Commissioners approved PL91-055, granting an extension of time in which to comply with a condition of zoning approval which required consistency between the MPUD Master Plan and the Master Plan proposed by the Development of Regional Impact application for development approval.

The current proposal seeks to change certain development standards in order to accommodate conservation and preservation areas to be dedicated or reserved as conditions of Development of Regional Impact (DRI) approval. The project is currently undergoing Development of Regional Impact Application for Development Approval Sufficiency Review.

FINDINGS OF FACT:

The Planning and Zoning Department has received a formal request from the developers of The Brown Site to amend the existing Master Development Plan to allow changes as indicated in the recommended conditions of approval which would make the MPUD consistent with the Master Plan proposed for the DRI.

ANALYSIS:

By interpretation of the Zoning Administrator, both Planned Unit Development and Master Planned Unit Development amendments must be reviewed in accordance with Section 520.6(F), Substantial Changes, of the Pasco County Land Development Regulations to determine if the proposed changes are substantial. A substantial change is deemed to exist where:

1. "There is a proposed increase of greater than five percent (5%) in the total number of dwelling units proposed for the Master PUD."

FINDING: Units are decreased from 4,841 to 4,800 units.

2. "There is a proposed major redistribution of density within individual phases of the Master PUD."

FINDING: No change.

3. "There is a decrease of proposed preservation or conservation areas involving more than five percent (5%) of the original area set forth in the Master PUD plan."

FINDING: Area of preservation and conservation is increased due to Development of Regional Impact review.

4. "There is an increase in the size of areas proposed for nonresidential uses of more than five percent (5%)."

FINDING: The acreage and square footage of commercial uses are approximately ten percent less.

5. "There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval."

FINDING: No applicable.

6. "The Tampa Bay Regional Planning Council (TBRPC) or the state land planning agency (the Florida Department of Community Affairs [DCA]) indicates the existence of substantial adverse regional impacts under the master development plan as approved."

FINDING: Not applicable.

RECOMMENDATION:

Based upon the foregoing and criteria established within Section 520.6(F), Substantial Changes, of the Pasco County Land Development Regulations, the Planning staff has determined that the amendment of the Master Development Plan does not constitute a substantial change. The Planning staff recommends that the request for amendment be approved with the following condition(s):

1. The Master Planned Unit Development Conditions of Approval, Petition #4061, as approved on December 13, 1988, and as subsequently amended, be further amended as follows:

At such time the County acquires the necessary right-of-way to accommodate the connection of Linda Drive, a local road, to S.R. 54, within 14 years of the project acquiring a Development of Regional Impact Development Order, the developer shall design, permit, and construct that section (approximately 150 linear feet) of Linda Drive necessary to align with the project entrance opposite S.R. 54, provided the County has made a good-faith effort, but has failed to require any developer of adjacent property to construct this extension to local road standards. The County shall issue all necessary permits to accomplish the alignment. The developer shall not be eligible for impact fee credits for the costs of design, permitting, and construction for the above section. Design, permitting, and construction shall commence within 180 days of written notification from the County that the subject right-of-way has been acquired.

2. All remaining Conditions of Approval of Petition #4061 shall continue in full force and effect.
3. Twelve copies of a revised Master Development Plan shall be submitted to the Planning and Zoning Department for review and approval within 45 days of approval of the Master Planned Unit Development amendment and prior to the first preliminary/site plan approval thereafter. The Planning and Zoning Department will submit said revised Plan to the Development Review Committee for approval when the revisions are complete. The following revision(s) shall be required:
 - a. Single-family zero lot line uses shall only be permitted in the following SF-2 designated parcels: A-6, B-27, B-29, B-33, and C-53.

- b. Multifamily (townhouse) uses in SF-3 designated parcels must maintain a 20-foot minimum front setback.
 - c. Single-family zero lot line uses shall not exceed a lot coverage of 60 percent.
 - d. Single-family zero lot line minimum lot size shall be 4,200 square feet.
 - e. Zero lot line plans will provide for a minimum of ten feet separation between structures.
- 4. Modifications to the MPUD Master Development Plan resulting from Development of Regional Impact Development Order approval requirements shall be subject to the review and approval of the Planning Director and not deemed a modification of the MPUD approval nor shall require zoning amendment processing.
 - 5. Charts appearing on the Master Plan shall conform to the development standards booklet as amended.
 - 6. Roads and driveways on the south side of S.R. 54 along the project's S.R. 54 frontage shall be accurately shown and labeled on the revised plan. All proposed project entrances shall align with roads on the south side of S.R. 54. All proposed project entrances will be labeled as per future conditions; i.e., right-in, right-out, median cut, etc.

FJL/DRN/g021905:wp

cc: William G. Munz, Assistant County Administrator (Development Services)
Samuel P. Stefrey II, Planning Director

APPROVED AGENDA ITEM

FOR _____

BY _____



PASCO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

Sylvia Young
 Chairman
 Mike Walls
 Vice-Chairman
 Curlls Law
 Ann Hildebrand
 Allan G. Saljanek, Jr.

December 14, 1988

Flag Development Co. of Fla., Inc. 4061
 Bill R. & Anne C. Brown
 c/o Gerald A. Figurski
 8406 Massachusetts Avenue
 Suite B-1
 New Port Richey, Fl. 34653

Dear Petitioner(s):

On December 13, 1988, the Board of County Commissioners approved your request as per the attached memorandum.

If you have any questions regarding this matter, please contact Mr. Fred Lowndes, Zoning Administrator, at the address or telephone number indicated below.

Sincerely,

Jed Pittman
 By: *Elaine H. Mitchell, DC*

JED PITTMAN
 CLERK TO THE BOARD

JP/ehm
 Enclosure

Reply to:

- 705 East Live Oak Avenue — Dade City, Florida 33525 - (904) 521-4274
- 7530 Little Road — New Port Richey, Florida 34654 - (813) 847-2411

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

TO: Pasco County Planning Commission

Frederick J. Lowndes

FROM: Frederick J. Lowndes
Assistant Planning & Zoning Director

SUBJECT: Rezoning Request
Southeast Pasco County
(Cont. from 11/16/88, PC)
(Cont. from 11/22/88, BCC)

APPLICANT: Flag Development Co. of Fla., Inc.;
Bill R. and Anne C. Brown

PE1 ON #4061

Commission District #2

Planning Commission
Hearing Date: 12/7/88

Board of County Commissioners
Hearing Date: 12/13/88 (DC)

Board of Zoning Adjustment
Hearing Date: N/A

PETITION SUMMARY

Petition #4061 in the name of Flag Development Co. of Fla., Inc.; Bill R. and Anne C. Brown has been filed for a change in zoning from an A-C (Agricultural) District to an MPUD (Master Planned Unit Development) District. The property is located on the north side of S.R. 54, approximately 1,100 feet east of Foxwood Blvd., and extending east approximately 1-3/4 miles (Sections 10, 11, 12, 13, 14, and 15, Township 26 South, Range 20 East), and contains 1,800.9 acres, m.o.l.

The surrounding zoning districts and land uses are as follows:

<u>Zoning District</u>	<u>Land Use</u>
North: A-C (Agricultural)	- Single-Family; Pastureland
East: A-C (Agricultural)	- Single-Family; Pastureland and Groves
South: C-2 (General Commercial) C-1 (Neighborhood Commercial) R-MH (Mobile Home) A-R (Agricultural-Residential) A-C (Agricultural)	- S.R. 54; Single-Family Dwellings (Foxwood Subdivision)
West: R-4 (High Density Residential) C-2 (General Commercial)	- Undeveloped

FINDINGS OF FACT

1. Presently, the subject site contains three single-family homes and a shed, and the applicant proposes to develop the property as a planned residential community with ancillary commercial.
2. Access to the property is from S.R. 54, which has 24 feet of pavement and 100 feet of right-of-way, by survey.
3. The subject property may be located in an identified 100-year flood prone area. Development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance 87-11.
4. The surrounding area is characterized by farms and pastureland.
5. The proposed request is consistent with the Pasco County Comprehensive Plan and Article XXV, Section 25.2(E), of the Zoning Ordinance.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

See attached list of Conditions

PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 10 Ayes; 0 Nays
Denial of Staff Recommendation: Ayes; Nays

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

BROWN SITE
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL

EXHIBIT

REZONING PETITION #4061

Master Development Plans

B
A

1. Development shall be in accordance with the application, plans, and information submitted October 1, 1988, unless otherwise stipulated or modified herein. Eight copies of a revised Master Development Plan and eight copies of a revised accompanying narrative shall be submitted to the Planning and Zoning Department for review and approval within 12 months of approval of the Master Planned Unit Development rezoning or prior to filing the Application for Development Approval, whichever happens first, and prior to the first preliminary/site plan approval. The Planning and Zoning Department will submit said revised Plan and narrative to the Development Review Committee for approval when the revisions are complete. The revised plan shall incorporate the following conditions:

a. Master Development Plan

(1) The number of median cuts to project entrances from State Road 54 shall be limited to five, four of which are depicted on the Master Development Plan, and relocated as follows:

(a) The main access to Parcels 3 and 4 shall be opposite the proposed secondary entrance to Fox Ridge, with the secondary entry to Parcel 3 opposite the proposed main entrance to Oak Village Lakes.

(2) Realignment of the internal roads as follows:

(a) Eliminate the crossing of the New River between Parcels 2 and 33; access the easternmost internal loop road entirely through Parcel 2.

(b) Creation of service roads paralleling State Road 54, connecting Parcel 1 to Parcel 2 and Parcel 3 to Parcel 4, respectively.

(3) Replotting the zoning, land uses, and existing and proposed accesses on the south side of State Road 54.

(4) Change notes and development standards to be consistent with required changes on the Master Development Plan.

(5) Proposed right-of-way dedication along State Road 54.

(6) Two stub-outs shall be provided along the northern property boundary. The easternmost stub-out (from the retirement community) shall be for emergency access purposes only and barricaded appropriately. The westernmost stub-out (from the nonretirement community) shall be a local public street.

(7) The location of existing Barnes Road in relation to the northern property boundary.

b. Project Narrative

(1) Page 4: Change to indicate that a traffic study will be provided at the time of submittal of the Development of Regional Impact Application for Development Approval. Change the average daily sewage flows to 150 and 200 gpd/unit for multifamily and single family respectively. Reduce the projected demand accordingly.

(2) Page 5: Change 0.5 mgd (fourth line, second paragraph) to 0.8 mgd.

(3) Page 8: Limit the gross density according to the adopted Pasco County Comprehensive Plan, using the formula for wetlands density credits contained herein, except to the extent development rights have accrued under law.

(4) Page 10: Limit the maximum allowable floor area ratio to .23 according to the adopted Pasco County Comprehensive Plan, except to the extent that development rights have accrued under law. Specify that the proposed gross square footage for each commercial parcel is gross floor area, rather than gross leasable area.

2. A preliminary plan must be approved for an entire single-family fee simple increment/parcel prior to any phased construction draw approval. Pursuant to Condition 20 below and the design and density regulations of this approval, the maximum number of units and the density of each residential increment shall not exceed the limits permitted by the Master Development Plan. A subphasing plan must also be approved by the Zoning Administrator for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any site plan approvals. Each site plan must substantially conform to the approved subphasing plan. Preliminary/site plan submittals shall also include the accumulative number of residential units or total gross floor area (g.f.a.) of commercial space which has received preliminary/site plan approval and is constructed or record platted.

Open Space/Buffering

3. The wetlands (conservation/preservation areas) shall be delineated by the Florida Department of Environmental Regulation consistent with Policies 10.1.2 and 10.3.1 of the Tampa Bay Regional Planning Council's Future of the Region. Initial or estimated jurisdictional boundaries shall be shown on each preliminary/site plan. Final jurisdictional wetlands shall be platted or preserved as conservation/preservation easements, except as modified by Condition 4 below. Final wetlands limits shall be shown on final construction plans following appropriate permit approvals. Adjustments of wetlands limits may require corresponding amendments of previously approved preliminary/site plans.
4. Lot lines shall not extend within wetland areas except as approved by the Development Review Committee. Ownership and maintenance of conservation/preservation areas shall be provided by the mandatory homeowners'/property owners'/condominium owners' association.
5. The developer shall create a mandatory homeowners'/property owners'/condominium owners' association in the form of a nonprofit corporation, registered with the Secretary of State, State of Florida. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, and other special purpose tracts. All incorporation and other relevant documents shall be submitted to the Engineering Services Department for review prior to the record platting of the first unit or phase within the development.
6. A unifying landscape plan for all internal major roads (e.g. all project entrances and internal collector streets) shall be provided to the Development Review Committee for approval and may be submitted in phases for review and approval simultaneously with each preliminary/site plan submittal. Approval of the landscape plan will obviate the need to strictly comply with the requirements of Sections 23.3 of the Pasco County Zoning Ordinance.
7. The developer shall comply with the provisions of the Pasco County Tree Ordinance (#81-10). It is the intent of this condition to encourage the preservation of individual trees and/or groupings of trees whose size, location, species, and environmental function warrant their protection as public resources.
8. The developer shall donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments. Land donations and/or fee payments for the proposed 4,841 residential units shall be made at the rate of one acre per 100 units or \$100.00 per unit.
Any park sites so donated shall include a minimum of 20 acres and shall consist entirely of nonjurisdictional areas. Land donations shall occur prior to the first record plat approval, or if no record plat is required, prior to issuance of the first building permit. The location shall be mutually determined by the Pasco County Parks and Recreation Department and the developer. Fees in lieu of donation shall be paid at the time of record plat approval, or if no record plat is required, at the time of the first building permit issuance. The developer shall also provide to the County a \$50.00 per unit (unless modified by Ordinance) park service fee prior to the first record plat approval for each increment, or where no record plat is required, prior to the first building permit for each increment.

Transportation/Circulation

9. The developer shall either dedicate/donate or transfer by fee simple deed to the County, unless otherwise specified herein, the appropriate amount of right-of-way for the internal and abutting roadways. Sufficient right-of-way shall be dedicated so that the typical roadway meets Florida Department of Transportation standards as follows:

a. Internal roads.

- (1) Public collectors.

70 feet (60 feet with closed drainage).

- (2) Local public streets.

50 feet for all local streets.

- (3) Private streets:

Access easements sufficient to contain pavement, curbs, and required recovery zones. The entire access easement shall be platted as separate tracts.

b. Additional right-of-way (not to exceed a total half width of 105 feet from the centerline) along S.R. 54. Within 90 days of final approval of the Development of Regional Impact Development Order, the first 60 feet thereof shall be donated and the remaining 45 feet shall be conveyed as a perpetual easement. No improvements other than nonrequired landscaping shall be located in right-of-way or perpetual easement. To the extent that conveyed right-of-way decreases the proposed Master Development Plan commercial acreage/intensity or residential acreage/density, the developer may transfer or relocate the above-referenced decreases elsewhere on site.

c. Intersections.

- (1) Internal roads.

Additional right-of-way as determined by the Development Review Committee.

- (2) External roads.

Additional right-of-way as determined by the Development Review Committee

The transfer of right-of-way for internal public roads shall be at either the time of record plat of the abutting increment; or where no record plat is required, at the time of site plan approval. The developer shall provide all necessary documents and/or information pertaining to the above-mentioned transference of right-of-way to the Pasco County Real Estate Division prior to any preliminary plan approvals. Reductions in right-of-way may occur, if approved by the County, if road stormwater drainage is accommodated--e.g., may include urban roadway designs with a stormwater sewer system or stormwater easements into retention areas within adjoining increments.

10. The developer shall make the necessary roadway and intersection improvements as identified below:

- a. Design and improve/construct the following roadways to the indicated functional classifications:

Project access roads off State Road 54, internal loop roads, as shown on the Master Development Plan as collectors, at minimum.

All other roads as local streets.

All private streets within the development shall be constructed to Pasco County Engineering Services Department standards:

Collector streets - 32-foot total pavement section (28-foot pavement width, which may include bike lanes as referenced in Condition 11 below, plus two-foot curbs).

Local streets - 26-foot total pavement section (22-foot pavement width plus two-foot curbs).

Inverted crowns may be used in nonfee simple residential areas only upon approval of the Development Review Committee.

- b. Access.

- (1) Vehicular access rights shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment along all nonlocal roads within or adjoining the project.

(2) The intersections of State Road 54 and the project access roads shall be constructed as required by the Florida Department of Transportation and/or the County Engineering Services Department. The developer shall pay his pro rata share of the cost of signalization of those intersections if such signalization is deemed to be necessary by the Development Review Committee and meets required Florida Department of Transportation and County Engineering Services Department traffic warrants.

(3) The developer shall provide a secondary access in a manner found acceptable by the Development Review Committee whenever the residential development exceeds 100 units. This access may be barricaded in a manner found acceptable by the Engineering Services Department and the Emergency Services Department.

c. At each preliminary/site plan approval, the Development Review Committee may also require further intersection improvements along internal roadways. Along abutting roadways and external intersections, the Development Review Committee may also require additional improvements pursuant to the Development of Regional Impact Development Order. Specific intersection improvements shall be determined through the right-of-way use permit process.

The developer shall submit a plan to the Development Review Division indicating the geometric alignment, and construction phasing of the collector roadways as shown on the Master Development Plan. Approval of the roadway phasing and alignment plan must be obtained from the Development Review Committee prior to preliminary/site plan approval of the first increment. The County shall have the right to require specific time frames of completion of construction for any portion of these roads required to provide safe access to the increment which is subject of the submittal at the time of each preliminary/site plan approval.

11. Sidewalks shall be constructed on both sides of all proposed roads. Bicycle lanes shall be provided along nonlocal internal roadways. A Development Review Committee approved pedestrian/bikeway plan, which provides an alternative method of pedestrian/bikeway circulation, may supersede this requirement. Such pedestrian/bikeway plans shall comply with the handicapped provisions of Chapter 336.045, Florida Statutes.

Utilities: Drainage, Water Service, Wastewater Disposal

12. Prior to the first preliminary/site plan approval, the developer shall submit a Master Drainage Plan for the entire project to the County Engineer for approval by the Development Review Committee. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within the Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County. In addition, the ownership and maintenance responsibilities for the drainage for the drainage system(s) shall be referenced along with existing wetlands on the plan.

13. The developer shall submit drainage plans for each development phase and increment/parcel. These plans shall include drainage maps and runoff computations for all predevelopment and postdevelopment watersheds; detention/retention computations and quantities; drainage structure, pipe, swale, ditch, and other appurtenant structure locations, sizes, cross sections, types, and sizing computations. All drainage plans shall be in conformance with the above-referenced Master Drainage Plan and shall be approved prior to submission of the construction plans for the development phase/increment/parcel in question. The subsequent construction drawings for all or a portion of that development phase/increment/parcel shall indicate how and when the drainage system for that portion will coordinate with that of the entire increment's/parcel's drainage system and the Master Drainage Plan. No design of an individual increment/parcel or portion of an increment/parcel shall be dependent upon the ultimate construction of future increments/parcels, unless an interim design for drainage through a future increment(s)/parcel(s) is approved by the Development Review Committee.

14. Base flood elevations for all habitable structures shall be at or above the 100-year flood plan elevation. All preliminary/site plan approvals shall show the 100-year flood elevation.

15. A Master Utility Plan for the entire development must be submitted to and approved by the Pasco County Utilities Department prior to approval of the first preliminary/site plan. This Utility Plan shall minimally show the following:

- a. Trunk sewer lines and lift station.
- b. Main potable water lines and nonpotable water lines, if applicable.

- D
- c. Sewage treatment facility locations, including discussion of the proposed method of treatment and feasibility of a nonpotable water system for irrigation.
 - d. Method of lighting all nonlocal public roads.

Prior to the first preliminary/site plan approval, the developer and the County shall enter into a Utility Service Agreement.

16. 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 Department.

Land Use

17. The design standards are those specified in the Brown Site Master Planned Unit Development Zoning Application #4061 dated October 1, 1988. Where Tables III and IV of the accompanying narrative reference standards of the Pasco County Zoning Ordinance, the standards in effect at the time of rezoning approval shall remain. The following changes shall be made to the above-referenced Tables III and IV:

- a. Table III - Development Standards

- (1) Revise the parcel increment designation to include two multifamily categories--MF-1 and MF-2. Maximum allowable densities shall be 10 and 16 dwelling units per acre, respectively.

- b. Table IV - Design and Density Standards

- (1) Delete "townhouse" from Section IV.1.B)5).
- (2) Delete Section IV.1.B.5)b)(1).
- (3) Insert standards for a low density multifamily category: to be developed pursuant to MF-1 standards with maximum permitted gross density of ten dwelling units per acre.
- (4) Change Section IV.1.B)6) to "RMF-2".
- (5) Change Section IV.1.B.6)b) to say that "development and use shall be in accordance with regulations for the MF-2, High Density Multiple Family District..."
- (6) Move the parcel increment designation down on Page 19 to opposite the "Commercial" heading.
- (7) Revise Section IV.2.A.2) to say that "development and uses shall be in accordance with Section 16.5.D. of the Pasco County Zoning Ordinance."

18. With any cluster development, the County may add additional performance standards during the time of preliminary/site plan approval. The developer shall also submit a concept sketch for the Planning and Zoning Department's review, prior to submission of a preliminary/site plan showing the location of typical buildable area with appropriate typical lot setbacks. The Zoning Administrator shall have the authority to approve, reject, or recommend modifications to the concept sketch. Any such action by the Zoning Administrator may be appealed first to the Development Review Committee, whose ruling(s) may, in turn, be appealed to the Board of County Commissioners.

19. Principal structures (exclusive of swimming pools) shall be set back at least 35 feet from the rights-of-way or access easement lines of the collector and arterial roads. However, this setback may be reduced to 25 feet if a six-foot high wall is provided as a buffer.

20. If any redistribution of units is proposed, pursuant to the guidelines listed in Section III.A on Page 11 of the Master Planned Unit Development Amendment Application narrative, the developer shall submit an amended Master Development Plan to the Zoning Administrator illustrating unit redistribution. Residential use may not be intensified within any one increment, as provided above, following approval of the plat or final site plan for the first unit in that increment without review and approval by the Board of County Commissioners.

21. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of three acres to be used for recreational vehicle storage for the exclusive use of Brown Site residents. Such a site(s) shall have appropriate landscape buffering and must be approved by the Zoning Administrator. The site(s) must

obtain commercial site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners' association.

22. Signs shall be in compliance with the Pasco County Sign Ordinance (Section 23.6 of the Pasco County Zoning Ordinance). Commercial billboard signs shall not be permitted in this development except those specifically related to the residential component of the project (maximum two) and shall be removed upon completion of the project.

Procedures

23. The ordinances and regulations in effect at the time of preliminary plan submittal shall govern, unless otherwise specifically stipulated or modified herein and/or in a Development of Regional Impact Development Order, if applicable (except as referenced in Condition 17 above).
24. In the event a resolution is adopted by the Board of County Commissioners on or before approval of the final record plat establishing a County-wide fee for the purpose of funding public safety, the developer shall be required to pay said fee pursuant to that resolution unless the Board of County Commissioners of Pasco County shall waive such requirement of payment.
25. Any decisions or matters which, under the conditions of the Master Planned Unit Development require approval or allow modification by the Development Review Committee, or require approval by the Zoning Administrator may be appealed to the Board of County Commissioners and, where appropriate, to the Courts.
26. There shall be no development within the project unless the developer complies with the provisions of Chapter 380.06, Florida Statutes, as amended, and rules and regulations adopted pursuant thereto. Rezoning of this property with conditions of approval does not constitute a Development of Regional Impact Development Order nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County. The conditions of the Master Planned Unit Development may be modified or added to by the County based on the findings of any Development of Regional Impact Application for Development Approval and/or Development Order.

EXHIBIT F

The TBRPC Preservation/Conservation Wetlands Map

R Bca
115-002-10-50
150

NOTICE OF ADOPTION OF THE DEVELOPMENT ORDER
FOR THE NEW RIVER DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. 92-161 dated March 24, 1992, has adopted the Development Order for a Development of Regional Impact known as New River (Resolution No. 92-161). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "C" of the Development Order.

A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "C" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

[Handwritten signature]
Clerk

[Handwritten signature]
MIKE WELLS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

8125167 72047895 03/25/92 12:26 PM
REFERENCE # 115002
RECORDING/INDEXING
RECORDING MODERNIZATION FEE

The foregoing Notice of Adoption of Development Order was acknowledged before me this 24 day of March, 1992 year.

TOTAL: 15.00
115002 CHARGED 10.00
31-1 AMT PAID 5.00

RECORD VERIFIED
JED PITTMAN
Clerk Circuit Court, Pasco County

[Handwritten signature]

[Handwritten signature]
Notary Public
State of Florida at Large
My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

[Handwritten signature]
Attorney

FILED FOR RECORD
CLK. CIR. CT-PASCO COUNTY, FL
MAR 25 3 13 PM '92

872371

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

AND THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF AND THE EAST 3/4 OF THE NORTH 1/2 AND THAT PORTION OF THE WEST 5/8 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF STATE ROAD 54, AND THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS, COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA, AND RUN S89°54'43"E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 2,203.99 FEET; THENCE S07°57'05"W, 685.63 FEET FOR A P.O.B.; THENCE RUN S82°02'55"E, 600.00 FEET; THENCE S07°57'05"W, 361.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE N82°02'55"W; THENCE RUN S07°57'05"W, 10.00 FEET TO A RIGHT-OF-WAY MARKER OF STATE ROAD NO. 54; THENCE CONTINUE N82°02'55"W, ALONG SAID RIGHT-OF-WAY 87.00 FEET; THENCE RUN N07°57'05"E, 371.55 FEET TO THE P.O.B.

AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 30.00 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET THEREOF, AND THE WEST 30.00 FEET OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET, THEREOF, AND THE WEST 30.00 FEET OF THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, LYING NORTH OF THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54, LESS THE WEST 1,828.75 FEET THEREOF AND BEING FURTHER SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS TO A PRIVATE FAMILY CEMETERY OVER AND ACROSS THE SOUTH 25.7 FEET OF THE EAST 25.00 FEET OF SECTION 11, AND THE SOUTH 25.7 FEET OF THE WEST 159.85 FEET OF SECTION 12 AND THE WEST 25.00 FEET OF THAT PORTION OF SECTION 13 LYING NORTH OF STATE ROAD NO. 54, AND THE NORTH 24.3 FEET OF THE WEST 159.85 FEET OF SAID SECTION 13 AND THE EAST 25.00 FEET OF THAT PORTION OF SECTION 14, LYING NORTH OF STATE ROAD NO. 54

AND THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS THE WEST 1,828.75 FEET THEREOF, LYING NORTH OF STATE ROAD NO. 54. CONTAINING 1,800.85 ACRES.

PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

O.R. 3007 PAGE 0263



PASCO COUNTY, FLORIDA

DADE CITY (904) 521-4274
FAX (813) 847-8084
NEW PORT RICHEY (813) 847-8132

GROWTH MANAGEMENT
PASCO COUNTY GOVT. COMPLEX
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654

CERTIFIED MAIL NO. P 503 036 937
RETURN RECEIPT REQUESTED

January 8, 1992

Ms. Suzanne Cooper, A.I.C.P.
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RECEIVED
JAN 10 1992
Tampa Bay Regional
Planning Council

RE: New River Development of Regional
Impact Development Order

Dear Ms. Cooper:

Please find enclosed a certified copy of Resolution No. 92-98, adopting a development order for the above project. The requisite Notice of Adoption is included.

Sincerely,

A handwritten signature in cursive that reads "Dean R. Neal".

Dean R. Neal
Senior Planner
(DRI Coordinator)

mailed 1/9/92
received 1/10/92

DRN/b010802:ltr

Enclosures

cc: Marina Gonzales-Pennington, Department of Community Affairs, DRI Section,
2740 Centerview Drive, Tallahassee, FL 32399-2100 (VIA CERTIFIED MAIL
NO. P 503 036 938 - RETURN RECEIPT REQUESTED)
Ben Harrill, Martin, Figurski, and Harrill, Suite B-1, 8406 Massachusetts Ave-
nue, New Port Richey, FL 34653 (VIA CERTIFIED MAIL NO. P 503 036 939 - RETURN
RECEIPT REQUESTED)
Jacob Varn, Carlton, Fields, Ward, Emanuel, Smith, and Cutler, P.A., Suite 410,
215 Monroe Street South, Tallahassee, FL 32301 (VIA CERTIFIED MAIL
NO. P 503 036 940 - RETURN RECEIPT REQUESTED)
Samuel P. Steffey II, Growth Management Administrator

NEW RIVER DEVELOPMENT ORDER

BY COMMISSIONER

Zimmer

RESOLUTION NO.

92 98

RESOLUTION ADOPTING A DEVELOPMENT ORDER
APPROVING, WITH CONDITIONS, THE NEW RIVER
DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 210)

WHEREAS, in accordance with Section 380.06, Florida Statutes, as amended, FLAG Development Company of Florida, Ltd., has filed an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as NEW RIVER with the Pasco County Development Services Branch; and,

WHEREAS, the Pasco County Board of County Commissioners (the Commission) is the governing body having jurisdiction over the review and approval of Developments of Regional Impact in accordance with Section 380.06, Florida Statutes, as amended; and

WHEREAS, the culmination of review pursuant to Section 380.06, Florida Statutes, requires the approval, approval with conditions, or denial of an ADA.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County in regular session, duly assembled, this 7th day of January, 1992, that:

The ADA for the NEW RIVER DRI is approved with conditions as set forth in the following Development Order, which is hereby adopted by the Pasco County Board of County Commissioners:

NEW RIVER DEVELOPMENT ORDER

I. General Findings of Fact

The Pasco County Board of County Commission makes the following general findings of fact:

A. FLAG Development Company of Florida, Ltd. (the Applicant or Developer), has filed, in accordance with Section 380.06, Florida Statutes, as amended, an ADA for the NEW RIVER DRI and associated responses to requests for additional information, collectively referred to herein as the Application.

B. The nature, type, scope, intensity, density, costs, and general impact of the proposed NEW RIVER DRI, in part, are those which are summarized in Composite Exhibit A (Application for Development Approval [ADA], Sufficiency Responses, and NEW RIVER Subphase Economic Analysis), the Application, and in Exhibit B, the specific findings of fact contained in Pages 25 through 49 of the Tampa Bay Regional Planning Council (TBRPC) DRI Final Report. Both Exhibits A and B are incorporated into this Development Order by reference.

C. The real property encompassed by the NEW RIVER DRI is owned by FLAG Development Company of Florida, Ltd. A description of the real property is attached hereto as Exhibit C (legal description) and incorporated herein by reference.

D. The Pasco County Comprehensive Plan Future Land Use Map designations for the area subject to the Application are ROR (Residential/Office/Retail), RES-3 (Residential 3 du/ga), and RES-6 (Residential 6 du/ga).

E. The zoning on the property which is subject to the Application is MPUD (Master Planned Unit Development) - Petition No. 4061, approved December 13, 1988, and MPUD Amendment - File No. PL91-257, approved March 12, 1991.

F. On June 17, 1991, the Applicant advised the TBRPC that it was not going to provide additional information and requested that its Application be reviewed based on the information provided. Upon receipt of such notification, the TBRPC initiated the preparation of its DRI Final Report and advised the local government to set a date for a public hearing on the pending Application.

G. Both the Pasco County Planning Commission (the Planning Commission) and the Pasco County Board of County Commissioners (the Commission) have scheduled and held public hearings on the Application on October 9, 1991, and January 7, 1992, respectively.

H. Notice of these hearings has been published in a newspaper of general circulation at least sixty (60) days prior to the date set for the Commission hearing.

I. At these public hearings, all parties were afforded the opportunity to present evidence and argument on all issues and to submit rebuttal evidence.

J. Additionally, at these public hearings any member of the general public requesting to do so was given the opportunity to present written or oral communications.

K. The Commission has received and considered the TBRPC DRI Final Report on the Application.

L. The Commission has received and considered the recommendation of the Planning Commission and various other reports and information including, but not limited to, the recommendation of the Pasco County Development Services Branch and the Development Review Committee (DRC).

II. Conclusions of Law

The Commission hereby finds that the NEW RIVER DRI:

A. Will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan and State Land Development Plan applicable to the area encompassed by the Application.

B. As modified by this Development Order, is consistent with the report and recommendations of the TBRPC.

C. Is consistent with the adopted Pasco County Comprehensive Plan (the Comprehensive Plan).

D. Is consistent with the Pasco County Land Development Code (local land development regulations).

E. Is not in an area of critical State concern.

III. Approval Stipulations

A. Specific approval with conditions is granted for Phase I. Conceptual approval with conditions is granted for Phases II and III. Specific approval of Phases II and III shall require amendment of this Development Order after review and approval of an ADA limited to transportation and attendant air quality issues, pursuant to the requirements of Section 380.06(6), Florida Statutes.

B. The requirements of and conditions contained in this Development Order shall regulate the development of the property described in Exhibit C (legal description). Following the adoption of this Development Order, all plans for development on this property shall be consistent with the conditions and restrictions recited herein. Such regulations and restrictions shall be binding upon all Developer successors in interest to the property.

In the event the Development Services Branch believes a violation of the provisions hereof occurs, the Development Services Branch shall notify the Department of Community Affairs (DCA) and may issue a notice of noncompliance to the Developer and recommend that the Commission establish a hearing to consider the alleged violation. After providing the Applicant with an opportunity to be heard, and if it is determined by the Commission that a violation has occurred, all development related to the violation shall cease until the violation has been corrected.

C. All development specifically authorized by this Development Order shall be carried out as described in the Application unless otherwise modified by the provisions hereof.

1. Adverse impacts shall be mitigated as specified in the Application and in this Development Order.

2. The Developer's commitments set forth on Pages 22 through 24 of the DRI Final Report (attached as Exhibit D) shall be honored by the Developer.

D. Development of all phases, as described in the Application, shall be governed by the standards and procedural provisions of the Pasco County Comprehensive Plan in effect at the time of adoption of this Development Order, with the exception of transportation and attendant air quality issues in Phases II and III, which shall be governed by the standards and procedures in effect at the time specific approval is granted. Land development regulations shall be applied in a manner which is consistent with Chapter 163.3194(1)(1), Florida Statutes. In the event of a conflict between future

regulations and this Development Order, or the Pasco County Comprehensive Plan in effect at the time of adoption of the Development Order, the Development Order or Comprehensive Plan in effect at the time of adoption of the Development Order, as applicable, shall prevail, with the exception of transportation and attendant air quality issues in Phases II and III, in which case, the Development Order and Comprehensive Plan in effect at the time of specific approval of those areas shall prevail.

1. All conditions of the MPUD zoning approved on December 13, 1988, as amended on March 12, 1991, shall remain in effect, except as may be amended by the Pasco County Board of County Commissioners, and, to the extent not inconsistent herewith, are incorporated into this Development Order, by reference, as Exhibit E.

2. The approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction for twenty-two (22) years from the date of adoption, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

E. Development of any phase or subphase of NEW RIVER shall require the issuance of a Certificate of Level of Service Compliance (CLSC), ensuring that adequate infrastructure exists to serve the proposed phase or subphase and that the proposed development will not cause adverse impacts resulting in a reduction of Level of Service below the adopted minimum acceptable Level of Service standards as set forth in the Pasco County Comprehensive Plan.

F. The property is currently utilized for agricultural activities. It is understood that, while the use will cease when the DRI is built out, portions of the property will continue to be used for agricultural activities until build-out. There shall be no intensification of or new agricultural activities within preservation and conservation and wildlife management areas.

IV. Phasing and Duration

A. Phasing Schedule

Development of NEW RIVER shall proceed in accordance with the phasing schedules stated in Table 1 below or subphases thereof. A phase shall be considered complete upon issuance of the final record plat, or where no record plat is required, upon issuance of the final building permit for the phase.

TABLE 1
PHASING SCHEDULE (NOT CUMULATIVE)

Land Use	PHASE			Total
	Ph. I (1996)	Ph. II (2001)	Ph. III (2008)	
Residential* (Dwelling Units)	2,522	2,278	0	4,800
(Single-Family)	(2,069)	(1,835)		(3,904)
(Multifamily)	(453)	(443)		(896)
Retirement Units	(683)	(1,237)		(1,920)
Retail (GFA SF)	150,000	100,000	310,000	560,000
(Acres)	(16.9)	(10.0)	(25.3)	(52.2)
(Parking Spaces)	(750)	(500)	(1,550)	(2,800)
Office (GFA SF)	50,000	70,000	0	120,000
(Acres)	(4.7)	(6.5)	(0)	(11.2)
Golf/Racquet Club (GFA SF)	30,000	0	0	30,000
Clubhouse (GFA SF)	10,000	0	0	10,000
Golf Course (Acres)	135	0	0	135

*Note: Subject to the restrictions of nonretirement/retirement housing mix specified in Section N.1.b. No less than 27 percent of the units within Phase I and 54 percent of the units within Phase II (40 percent cumulative) shall be retirement units.

2. Excess infrastructure capacity constructed to potentially serve Phases II and III of NEW RIVER shall be at the Developer's risk and shall not vest later phase development rights with respect to Section 380.06, Florida Statutes.

B. Duration

1. This Development Order shall take effect forty-five (45) days after its rendition.

2. The duration of the Development Order shall be a period of twenty-two (22) years from its effective date. The effective period may be extended by the Commission upon a showing of good cause and as provided by statute. Application for such extension shall be made at least sixty (60) days prior to the expiration date.

C. Commencement of Development

If physical development of NEW RIVER has not commenced within two (2) years of the effective date of this Development Order, the Commission shall determine, pursuant to Section 380.06(19), Florida Statutes, as amended, and the procedures outlined in Section VI.B.1. hereof, whether the delay represents a Substantial Deviation from the Development Order.

D. Build-out of Phases and Project

Build-out dates of each phase and the entire project shall be as of December 31st of each of the years listed on Table 1 above.

V. Specific Conditions

A. Land Use and Master Development Plan

1. Land use types, intensities, and locations shall be substantially as shown on the NEW RIVER Master Development Plan (Revised Map H, which is incorporated as Exhibit G to the Development Order), dated May 1991.

2. The Developer may use a land use tradeoff mechanism based on the subject residential uses generating equivalent impacts for Phase I. This land use tradeoff mechanism shall only be allowed for residential land uses and must adequately mitigate for residential public facility impacts. Tradeoff of general residential single-family, multifamily, and retirement residential land uses within Phase I, or subphases thereof, shall be permitted in accordance with Section V.N.3., "Tradeoff Mechanism". The Development Order shall be amended to incorporate any land use tradeoff via a Notice of Proposed Change to Pasco County, the TBRPC, and the DCA.

B. Water Quality and Drainage

1. Development of NEW RIVER shall not lower Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan.

2. A homeowners'/land owners' association or other entity (other than Pasco County) with assessment powers, shall be responsible for the operation and maintenance of all privately owned and operated on-site drainage facilities, except as may be specifically determined otherwise by Pasco County during site plan/subdivision review. Said entity shall be identified prior to approval of the final construction plans for any such facility. Further, said entity shall be identified and listed in the next Annual Report after the approval of the final construction plans. If, however, Pasco County establishes a Countywide or areawide stormwater management system, then all on-site stormwater management facilities will become the responsibility of Pasco County, as provided for in any future stormwater management ordinance.

3. Prior to the issuance of any final development permits, a stormwater management plan for NEW RIVER or any increment thereof shall be submitted to the TBRPC for review and Pasco County and other appropriate regulatory bodies for review and approval. The following parameters and requirements of the current Pasco County Land Development Code shall be included in the stormwater management plan:

a. The proposed stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapters 17-25 and 40D-4, or 40D-40, F.A.C., and Pasco County stormwater management requirements. Treatment shall be provided by biological filtration wherever feasible.

b. Best management practices for reducing adverse water quality impacts as required by Pasco County and other appropriate regulatory bodies (e.g., a street cleaning program for parking and roadway areas within the development) shall be implemented.

4. In order to protect surface water quality, stormwater exiting the site shall meet all applicable State water quality standards. The Developer shall develop a surface water quality monitoring program to be instituted before construction commences and to continue through project build-out. The following parameters shall be included within the water quality monitoring program:

a. Sampling locations and specific parameters, including frequency (minimum of twice annually) of monitoring and reporting, shall be subject to Pasco County and other appropriate regulatory bodies' approval, and to the TBRPC review and comment.

b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with the Environmental Protection Agency/Florida Department of Environmental Regulation (EPA/FDER) quality control standards and requirements.

c. The monitoring results shall be submitted to Hillsborough County, the FDER, the Southwest Florida Water Management District (SWFWMD), 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 other appropriate regulatory bodies immediately. In the event there is a violation of any State water quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected. In the event that the specific construction or other activity causing the violation cannot be identified, all construction in the subbasin shall cease until the violation is corrected.

5. The Applicant shall formulate guidelines for the maintenance of NEW RIVER golf courses that addresses the limited use of herbicides, pesticides, and fertilizers and includes best management practices. These guidelines shall be formulated and implemented prior to the opening of the golf courses, and shall be submitted to Pasco County and other appropriate regulatory bodies for approval, and to the TBRPC review and comment. Any change in the guidelines shall require approval by Pasco County and other appropriate regulatory bodies, and shall be included in the Annual Report following the change.

6. Planning and development of NEW RIVER shall conform to the rules adopted by the SWFWMD for the Waters of Tampa Bay Water Use Control Area.

C. Wetlands

1. Those portions of NEW RIVER which meet the definition of "preservation" and "conservation" areas as defined in the Council's adopted growth policy, Future of the Region, the Regional Comprehensive Policy Plan (adopted July 1, 1987; amended June 1988), Policies 10.1.2 and 10.3.1, and designated on Exhibit F (TBRPC Preservation/Conservation Areas Plan) attached, shall be so designated on all development plans submitted to Pasco County for approval. The specific limits of wetlands areas shall be as finally determined by the appropriate wetland permitting regulatory body.

2. In order to protect the natural values of preserved/conserved wetland areas, prior to development plan approval for any phase or subphase, the Applicant shall submit a wetland/lake management plan to the TBRPC, the FDER, and the SWFWMD for review, and to Pasco County for approval. The plan shall address, but not be limited to, control of exotic species, mitigation of impacted wetlands, control of on-site water quality, and methods for wetland restoration/enhancement. The wetland/lake management plan may be approved as part of the Master Drainage Plan.

3. No hydroperiod alteration, except for wetland restoration/enhancement, shall be permitted in preservation areas as identified on the TBRPC Preservation/Conservation Areas Plan (Exhibit F). Existing annual hydroperiods, normal pool elevation, and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be commenced prior to on-site construction activity and continue for three (3) years following build-out of the subbasin surrounding each wetland monitored. Hydroperiod monitoring shall be conducted in accordance with the approved wetland/lake management plan. Monitoring sites shall be selected in cooperation with Pasco County and other appropriate regulatory bodies, and reviewed by the TBRPC. If it is determined by the appropriate jurisdictional entity that preservation areas are being stressed due to project development activities, such development activity shall cease until a plan of remediation to correct the hydroperiod imbalance is agreed upon and any action required by the plan is initiated. The results of the monitoring activity shall be included in each Annual Report.

4. Natural buffering (wetland setbacks) around all wetland preservation and wetland/conservation areas shall be as required, pursuant to Pasco County regulations current at the time of this Development Order approval, or the FDER or the SWFWMD regulations at the time permits are obtained, whichever is more restrictive, to provide an upland transition into the wetland areas and to protect the natural system from development impact.

5. No clearing, dredging, filling, or development activities shall be allowed within designated TBRPC preservation areas, except for necessary road and infrastructure construction, and elevated boardwalks for pedestrian and golf course use. Filling of preservation areas shall not be the result of golf course or parcel configuration.

6. All wetland losses shall require successful 1:1, in-kind, wetland replacement at a minimum. Mitigation for wetland losses shall be implemented prior to, or concurrent with, wetlands being disturbed. Enhancement or restoration of overdrained and stressed wetlands may be considered, by the appropriate regulatory body, in lieu of replacement.

7. Existing wetlands, which are permitted to be altered or eliminated, should be used as donor material for revegetation or mitigation areas where feasible.

8. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the appropriate permitting agency. Monitoring of mitigation areas and littoral shelves shall include species diversity, composition, and regeneration, as well as exotic species encroachment control. Mitigation shall not be deemed complete, unless an eighty-five (85) percent survival of planted species is maintained at the end of three (3) years. All monitoring reports required by permits issued by the appropriate regulatory bodies shall be submitted to the TBRPC and Pasco County for the previous year at the time of each Annual Report.

9. Wetland mitigation area shall not be located in designated upland habitat preserves.

D. Flood Plain/Disaster Preparedness

1. Elevations for all habitable structures shall be at, or above, a 100-year flood plain elevation. All preliminary/site plan submittals shall show 100-year flood elevations. Roadways providing access to residential areas shall be at, or above, Pasco County-required flood plain elevations as identified in the Pasco County Land Development Code.

2. No fill shall be added within the 100-year flood plain without storage compensation. There shall be no impervious surfaces, except for roadways and appurtenances incidental thereto and pedestrian and bicycle paths, constructed within the twenty-five (25) year flood plain.

3. Prior to the approval of any mobile home development, the Developer shall submit a Notice of Proposed Change, pursuant to Chapter 380.06(19), Florida Statutes, and amend the Development Order to incorporate said change.

E. Vegetation and Wildlife

1. The areas identified as "upland preserves" (Revised Exhibit 1 in the NEW RIVER Wildlife Management Plan) shall be preserved from future development, except as provided in E.3. below.

2. The NEW RIVER Wildlife Management Plan dated April 9, 1991, (revised June 7, 1991) is hereby incorporated into the Development Order by reference as Exhibit H. Any change to the Plan shall be subject to a Section 380.06, Florida Statutes, Substantial Deviation determination. Habitat preservation for all species of special concern, threatened species, and endangered species, found on tracts planned for development shall be deemed complete by compliance with the Management Plan when implemented. Reasonable access to undeveloped areas of the project shall be given to conduct an appropriate follow-up survey for species of special concern, endangered species, or threatened species should such a need for continued surveys be determined necessary by the FGFWFC.

3. No dredging, filling, or development activities shall be allowed within the three (3) designated upland habitat preserves and the two (2) wetland habitat preserves designated as wetlands W-6 and W-7 on Figure 16-1 of the DRI/ADA, except for underground utility crossings and piped drainage conveyances, which will be installed and maintained in such a manner so as to avoid adverse impacts to the preserve.

4. Any proposal to change Master Development Plan designated preservation uses, as shown on Exhibit "F", shall be a substantial deviation.

F. Historical and Archaeological Sites

Any historical or archaeological resources, other than the previously identified lithic and artifacts scatter sites, discovered during development activities of NEW RIVER, shall be immediately reported to the Florida Division of Historical Resources and Pasco County, and treatment of such resources shall be determined in cooperation with the Florida Division of Historical Resources and Pasco County. Treatment of resources, as required by law, must be completed before resource-disturbing activities are allowed to continue.

G. Land

1. The measures to reduce soil erosion and fugitive dust, referenced on Page 16-3 of the Application, shall be implemented.

2. Prior to commencing development of any phase, the Developer shall provide the Pasco County Survey/Engineering Services Department with one pair of Global Positioning Satellite (GPS) control points with twenty-four (24)-hour access. The location shall be mutually determined by the Developer and the County Surveyor. The Developer's existing survey shall be used for permitting purposes until final plat approval is requested. All

final plats will be referenced from this point (F.A.C. 21HH-6). All GPS points shall be installed per F.A.C. 21HH-6.

H. Air Quality

1. Specific approval of Phases II and III of NEW RIVER, as proposed in the Application, shall be contingent upon Chapter 380.06(6), Florida Statutes, as amended, air quality review and approval, which shall be initiated with submittal of an ADA as provided in Paragraph III.A. above. If any adverse air quality impacts are identified as being caused by NEW RIVER, this Development Order shall be amended to incorporate conditions for curing or mitigating such impacts.

I. Economy

1. The Developer shall encourage the development and promotion of a day-care system.

2. The Developer shall encourage entrepreneurship and small and minority-owned business start ups, and provide for nondiscriminatory employment opportunities within NEW RIVER.

J. Utilities: Water Supply, Wastewater Treatment, and Electric Power Services

1. Water, wastewater, and reclaimed water services will be provided by Pasco County, in accordance with Pasco County water use and sewer use ordinances, as amended. The Developer shall construct all water and wastewater facilities within the development to Pasco County standards, current when application is made for connection, in accordance with an approved Master Utility Plan and any utility service agreement(s) for NEW RIVER.

2. Development of NEW RIVER shall not lower delivery of water and wastewater utility service below the acceptable Levels of Service established in the Pasco County Comprehensive Plan. Documentation of adequate capacity to serve the project shall be obtained from Pasco County and shall be reported in the Annual Report for the year in which application for service is made.

3. NEW RIVER sewer collection and transmission lines not required to be dedicated to Pasco County shall be monitored for leaks and ruptures on a triannual basis by the Developer, or by a homeowners'/landowners' association, and a homeowners'/landowners' association with assessment powers, subsequent to Developer control. Faulty lines shall be repaired immediately.

4. An acceptable plan shall be submitted to Pasco County for approval, to the West Coast Regional Water Supply Authority, the TBRPC, the FDER, and the SWFWMD for review for the use of nonpotable water on-site for irrigation. The plan shall be completed, submitted, and approved prior to the issuance of the first preliminary/site plan approval. The plan shall include an implementation schedule. The plan shall require...

lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water and groundwater. Potable water (i.e., water that is treated and provided through a public distribution system) shall not be used for the irrigation of common areas.

5. Water saving fixtures shall be required in the project, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes), and xeriscape type landscaping shall be used to the greatest extent feasible.

6. The planning and development of NEW RIVER shall conform to the rules adopted by the SWFWMD for the Northern Tampa Bay Water Use Caution Area.

7. Prior to construction of any phase or subphase, assurance of adequate water supply capacity and wastewater capacity for that phase or subphase must be provided. Said assurance shall include adequate water supply for firefighting purposes.

K. Solid/Hazardous Waste

1. The collection, transportation, and disposal of solid waste is controlled by County ordinances and shall take place in accordance with the terms thereof.

2. Development of NEW RIVER shall not lower delivery of solid waste collection/disposal beyond the acceptable Levels of Service established in the Pasco County Comprehensive Plan. Documentation of adequate disposal capacity, including assurance of adequate hazardous waste and material disposal, to service the project shall be obtained from Pasco County or other appropriate entities, and shall be reported in the Annual Report for the year in which application for service is made.

3. The commercial/office area shall provide to their associated businesses information that:

a. Indicates which types of waste and materials are considered to be hazardous and are to be stored or disposed of only in the specially designated container/areas; and

b. Describes construction requirements for hazardous waste holding areas; and

c. Advises of applicable statutes and regulations regarding hazardous waste and materials.

4. The Developer shall adhere to all Federal, State and local legislation concerning hazardous materials.

L. The Developer shall notify all tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA) and shall be documented in each Annual Report.

M. Energy

1. The energy conservation measures referenced on Page 25-2 of the ADA shall be implemented.

2. All NEW RIVER tenants, businesses, and residents shall be encouraged, where economically feasible, to:

a. Use energy alternatives, such as solar energy, waste heat recovery, and cogeneration;

b. Use landscaping, building orientation and building construction, and design to reduce heat gain;

c. Work with or designate an energy officer to establish energy policies, monitor energy use, and encourage conservation by project businesses. Energy audits by the Withlacoochee River Electric Cooperative may fulfil part of this requirement;

d. Institute programs to promote energy conservation by employees, buyers, suppliers, and the public;

e. Institute recycling programs;

f. Reduce levels of operation of all air conditioning, heating, and lighting levels during nonbusiness hours;

g. Eliminate advertising requiring lighting after business hours; and

h. Install total energy systems where cost effective.

3. A report on the implementation of, and participation in, these and other energy programs shall be included in each Annual Report.

N. Transportation

1. Approval - Specific approval is provided for Phase I of NEW RIVER, as defined herein. Phases II and III of NEW RIVER are subject to review pursuant to Chapter 380, Florida Statutes, as amended, for the transportation impacts of each phase and shall require review and approval of an ADA through a Development Order Amendment to establish the conditions for mitigating these impacts. The following conditions are established for purposes of mitigating Phase I impacts. Issuance of development permits by the County for the project shall require a determination by the County of compliance with the conditions set forth herein.

a. For the purposes of this Order, funding commitments can be either in the form of financial contributions or contributions in aid of construction or Developer's commitments for actual construction in accordance with a developer agreement pursuant to Chapter 163, Florida Statutes, requiring commencement of construction within three (3) years of the date of the agreement and, if necessary, amendment of this development order, completed construction, or any public or private entity, or the placement of improvements

in the Transportation Improvements Work Programs of the Pasco County (the County), or the State of Florida (the State), to the extent authorized by the Pasco County Land Development Code, or any other funding mechanism approved by the County, or any combination of the foregoing. In order for any funding commitment described above to be valid, the construction dollars for the needed improvement must be committed within the time period as required by the Pasco County Comprehensive Plan, as it may be amended; however, said commitment shall not exceed a time period of three (3) years from the need for the improvement and construction of any such improvement shall begin within three (3) years.

b. Phase I development is described as follows:

PHASE I SPECIFIC APPROVAL

PARCEL ONE (LAKES)

<u>Land Use</u>	<u>Size</u>
Single-Family	610 d.u.
Multifamily	120 d.u.
Racquet Club	10,000 s.f.
Office	50,000 s.f.
Retail	125,000 s.f.

PARCEL TWO - RETIREMENT (CLUB)

<u>Land Use</u>	<u>Size</u>
Single-Family	550 d.u.
Multifamily	133 d.u.
Golf Course	135 ac.
Golf/Racquet Club	20,000 s.f.

PARCEL THREE (OAKS)

<u>Land Use</u>	<u>Size</u>
Single-Family	909 d.u.
Multifamily	200 d.u.
Clubhouse	10,000 s.f.
Retail	25,000 s.f.

c. The Developer may proceed with the development anywhere within Phase I, or a subphase thereof, under the conditions set forth below. The following option may be utilized with the County's prior approval.

Option 1

(1) Subphasing

Regional Roadways - The Developer shall proceed with subphases, based on the need to maintain Level of Service standards on the roadways identified in Table 2. Specific approval is granted for the first subphase for up to 547 primary single-family units (nonretirement) or equivalent land uses. Capacity for 547 units is hereby reserved on the County's Concurrency Management System. Before proceeding further and prior to approval of each additional subphase or the date of required commitment listed in Table 2, the County shall make a determination that adequate commitments, as defined in N.l.a. above, are provided for roadway improvements identified in Table 2, and that all roadways in Table 2 will operate at the Levels of Service specified in Table 2. In no case shall the subphases exceed the impacts identified in the ADA for Phase I of the development (2,392 PM peak hour external trips). The DRI traffic analysis, which is consistent with the requirements of Chapter 380.06, Florida Statutes, provides an acceptable "detailed analysis" pursuant to the Pasco County Comprehensive Plan and compliance with said analysis findings ensures Level of Service compliance for regional roadways. For the purposes of this Development Order, Level of Service Compliance Review for regional roadways shall be based upon compliance with Table 2. Roadways that are considered to be regional for purposes of this review shall be the following: I-75 (S.R. 93), U.S. 301 (S.R. 41), U.S. 98 (S.R. 35), U.S. 41 (S.R. 45), U.S. 19 (S.R. 55), S.R. 52, S.R. 54, C.R. 54, S.R. 39, C.R. 471, C.R. 579, C.R. 578, C.R. 577, C.R. 581, C.R. 35A, Chancey Road, S.R. 471, C.R. 595, C.R. 587, C.R. 583, S.R. 597, Little Road (C.R. 1), Alternate U.S. 19 (S.R. 595). This list is established based upon the Regional Roadway Map as approved by the TBRPC.

TABLE 2
PART A

ROADWAY SEGMENT THRESHOLDS AND REQUIRED IMPROVEMENTS

Segment Number	Roadway	Roadway Segments		IOS Standard	PM Peak Hour External Trips	Date Commitment Is Necessary	Required Roadway Improvement
		From	To				
1	S.R. 54	C.R. 581	C.R. 577	D	727	12/92	4-Lane Divided Rural
2	S.R. 54	I-75	C.R. 581	D	749	1/93	4-Lane Divided Rural
3	S.R. 54	W. Site	E. Site	D	999	6/93	4-Lane Divided Rural
4	S.R. 54	E. Site	New River	D	999	6/93	4-Lane Divided Rural
5	S.R. 54	New River	C.R. 579	D	1,014	7/93	4-Lane Divided Rural
6	S.R. 54	Pasco	I-75	D	1,034	8/93	4-Lane Divided Rural
7	S.R. 54	C.R. 577	W. Site	D	1,062	9/93	4-Lane Divided Rural
8	S.R. 54	C.R. 579	Dean Dairy	D	1,340	3/94	4-Lane Divided Rural
9	S.R. 54	S. Allen	2nd	D	1,684	10/94	4-Lane Divided Urban
10	C.R. 581	S.R. 54	County Line Road	D	2,210	9/95	4-Lane Divided Rural
11	S.R. 54	Dean Dairy	S. Allen	D	2,392	12/95	4-Lane Divided Urban
PHASE 1 BUILD-OUT (2)							

NOTE:

1. The number of New River PM Peak Hour new external vehicle trips that can access the regional roadway prior to requiring road segment improvement.
2. In no event shall the number of PM peak hour external trips exceed 2,392 PM Peak Hour vehicle trips for Phase 1.
3. Date when an adequate commitment to make the required improvement must be made.

TABLE 2
PART B
NEW RIVER DRI
PHASE ONE
INTERSECTION IMPROVEMENTS

<u>Corresponding⁽¹⁾ Road Segment</u>	<u>Location</u>	<u>Improvements⁽¹⁾</u>
2	S.R. 54 at Pasco Road	Signalize S.R. 54 as 4L WB Right
2	S.R. 54 at I-75 (West)	Signalize S.R. 54 as 4L
3	S.R. 54 at I-75 (East)	Signalize S.R. 54 as 4L
1	S.R. 54 at C.R. 581	Signalize S.R. 54 as 4L C.R. 581 as 4L
1	S.R. 54 at C.R. 577	Signalize S.R. 54 as 4L
7	S.R. 54 at C.R. 579	Signalize S.R. 54 as 4L
8	S.R. 54 at Dean Dairy	S.R. 54 as 4L
8	C.R. 579 at Chancey	Signalize

NOTE: (1) Intersection improvements correspond with link improvements identified in Table 2, Part A. These improvements will be provided to the intersections, with the roadway segment improvement. New signalization will be provided subject to MUTCD warrants.

TABLE 2
PART C
SITE INTERSECTION IMPROVEMENTS

<u>Location</u>	<u>Improvements</u> ⁽¹⁾
S.R. 54 at New River Lakes at West Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out
S.R. 54 at New River Lakes at Commercial Dr.	Signalized S.R. 54 as 4L
S.R. 54 at New River Lakes at East Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out
S.R. 54 at New River Country Club at West Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Country Club at East Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at West Dr.	Unsignalized S.R. 54 as 4L
S.R. 54 at New River Oaks at East Dr.	Unsignalized S.R. 54 as 4L Right-In Right-Out

NOTE: (1) Signalization shall be provided subject to MUTCD Signal Warrants. Access improvements will be made consistent with site development.

Local roadways - Level of Service Compliance for nonregional (local) roadways shall be required in accordance with Pasco County's Concurrency Management System. Increments may be smaller than the subphases identified in Table 2 for regional roadways. Any Certificate of Level of Service Compliance shall be consistent with the terms of this Development Order, and in no case will Certificates of Level of Service Compliance be issued for development which exceeds the subphase funding commitments authorized under Table 2 for regional roadways.

(2) Level of Service Monitoring - In the event that funding commitments for transportation improvements are adequate to permit only the development of a portion of the phase or subphase, the Developer shall have the option to submit to the County, the State, and the TBRPC pursuant to Section 380.06, Florida Statutes, updated traffic counts on the regional roadways listed in Table 2, which do not have commitments for required transportation improvements. The Developer shall further submit projections of traffic volumes that will include the currently approved project development, plus the volumes to be generated by the next portion of development for which the Developer is seeking approval and future background traffic. At the time of submission, the Developer shall confirm that sufficient roadway capacity exists on affected roadways. Each updated traffic study shall either serve to verify the findings of the DRI traffic analysis or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the facilities at or above peak hour LOS standard. Any changes to Table 2 shall be implemented by an amendment to this Development Order.

2. Credits - The Developer is eligible to apply for impact fee credits pursuant to Chapter 380.06(16), Florida Statutes, and Pasco County Ordinance No. 90-04, as it may be amended, and the Developer shall receive credits as authorized by the Ordinance.

Pursuant to the DRI Transportation Analysis and in accordance with the County Transportation Impact Fee Ordinance (Ordinance No. 90-04, as amended), Pasco County hereby finds that transportation impacts resulting from NEW RIVER proposed development will occur within more than one (1) impact fee zone. Allocation of fees shall be in accordance with said Ordinance, as amended.

3. Tradeoff Mechanism - In accordance with the limits established in R.2. and Table 1, the Developer shall be permitted to tradeoff a portion of the general residential and retirement residential, and single-family and multifamily land uses in the development, so long as the change does not increase the PM peak hour directional traffic of the development for Phase I, or subphases, as defined by development thresholds requiring roadway improvements in Table 2. External trip generation rates provided in Table 3, shall be used to tradeoff between the residential land uses. The Developer shall prepare

a request for tradeoff for review and approval by the County, which demonstrates that the change in the relative amounts of approved residential land uses will not create additional PM peak hour traffic beyond that approved for the Phase I of the development or a subphase thereof.

4. Transportation Systems Management Program - The Applicant shall prepare and implement a Transportation Systems Management (TSM) program, prior to issuance of Certificates of Occupancy for Phase II development, which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Phase II traffic analysis. The plan shall be reviewed by the County MPO staff, the TBRPC and the Florida Department of Transportation (FDOT), as appropriate.

The TSM program shall include yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates that the total peak hour trips exceed projected trips by more than ten (10) percent, the County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and, if applicable, amend the Development Order to change TSM objectives and/or require additional roadway improvements. The result of the TSM study may serve as a basis for the Developer, or reviewing agencies, to request Development Order amendments.

In addition, this TSM program shall be developed in cooperation with the FDOT, the Pasco MPO, and the TBRPC. This program shall seek to implement the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

Objectives:

-- Increase urban area peak hour automobile occupancy rates by ten (10) percent by 1995 through expanded ridesharing efforts.

-- Increase peak hour occupancy rates for transit and other high occupancy vehicles by twenty (20) percent by 1995".

TABLE 3
TRIP GENERATION⁽¹⁾
FOR
DEVELOPMENT SUBPHASING AND PROJECT MONITORING

<u>Land Use</u>	<u>Trip Rate Per Unit</u> ⁽²⁾			<u>External P.M. Peak Hour</u>		
	<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Residential S.F.	.63	.37	1.00	.53	.27	.80
Residential M.F.	.46	.22	.68	.38	.16	.54
Retirement Com. ⁽³⁾	.157	.123	.28	.157	.123	.280
Office	.36	1.84	2.20	.30	1.46	1.76
Retail	3.28	3.41	6.69	2.15	2.31	4.46
Racquet Club	.50	1.00	1.50	.20	.40	.60
Club House	.50	1.00	1.50	.20	.40	.60

NOTES:

- (1) Rate incorporates internal capture as documented in the ADA.
- (2) Units = Dwelling Unit/1,000 Square Feet GLA.
- (3) The initial trip generation rate for the retirement community (NEW RIVER COUNTRY CLUB) is based on ITE Trip Generation Report Fifth Edition Retirement Communities. Upon approval of an analysis methodology by the County and TBRPC, the Developer shall undertake a trip generation study of the actual trip generation of the retirement community. Said study shall be initiated following issuance of 500 retirement dwelling unit Certificates of Occupancy. Additional studies may be undertaken periodically thereafter. The study shall establish a PM peak hour directional trip generation rate by residential unit for the retirement community which includes residential dwelling units and support land uses which are part of the retirement community. The findings of the trip generation study as approved by the County will be used to replace the retirement dwelling unit and support land uses trip generation rate and tradeoff matrix. The results of the study shall be incorporated by an amendment to the Development Order pursuant to Section 380.06(19) Florida Statutes.

TRADEOFF MATRIX

<u>Land Use From</u>	<u>To</u>	<u>Dwelling Units*</u>
Gen Res S.F.	Gen Res M.F.	1.48
Gen Res S.F.	Retirement D.U.	2.86
Gen Res M.F.	Gen Res S.F.	.67
Gen Res M.F.	Retirement D.U.	1.93
Retirement D.U.	Gen Res S.F.	.35
Retirement D.U.	Gen Res M.F.	.52

*Based on Peak Directional External Traffic

5. Annual Monitoring - Annual monitoring will commence when Building Permits have been issued for development which is projected to either generate 582 PM peak hour vehicle trips (based on trip generation data provided in Table 3). The annual monitoring program, with a methodology approved by Pasco County and the TBRPC, shall provide PM peak hour traffic counts at the project entrances to verify that the projected number of external trips for the development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in each required Annual Report. If the Annual Report indicates that actual trips exceed projected counts by more than ten (10) percent, the County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes, as amended, and shall, if applicable, amend this Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, as amended, will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

6. Access Management - Access for NEW RIVER shall substantially conform to the conditions of MPUD zoning approval, as such conditions relate to median cuts and project entrances. However, in the plan approval process, the Developer may propose, and the County may approve, modifications to such access conditions provided the modifications enhance, or do not otherwise degrade, the operating Level of Service of the affected roadway segment. Additional modifications may be proposed by the Developer, and approved by the County, upon demonstration that such modifications are consistent with good traffic engineering principles and will enhance the safety of the traveling public. Furthermore, any access to State roadways shall require the FDOT's approval.

0. Educational Facilities

1. The Developer shall be obligated within a period of five (5) years from the date of approval of this Development Order to perform one (1) of the following requirements:

a. The Developer shall contribute a fifteen (15)-acre site to be located within NEW RIVER with adequate infrastructure (roadway, utilities) that is suitable and acceptable to the Pasco County School Board, for the purposes of locating an elementary school; or

b. The Developer shall pay to the Pasco County School Board the sum of \$57,433.00 (Fifty-Seven Thousand, Four Hundred Thirty-Three Dollars and 00/100), which

amount is to be used toward the purchase of an elementary school site to service the NEW RIVER project.

The Developer shall receive credit for the above contribution against any future education impact fees.

2. Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designated, and developed as an adult community, pursuant to the assumptions of the ADA and Section 760.29, Florida Statutes. The Developer shall comply with all Federal and State statutes in establishing these deed restricted adult communities.

P. Recreation and Open Space

1. Development of NEW RIVER shall not lower delivery of parks and recreation services below the acceptable Levels of Service established in the Pasco County Comprehensive Plan.

2. The Developer shall either donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments to mitigate for NEW RIVER parkland impacts. Land donation and/or fee payments for the proposed number of residential units shall be made at the rate of one (1) acre per 100 units or \$100.00 (One Hundred Dollars and 00/100) per unit. Any park sites so donated shall include a minimum of twenty (20) acres and shall consist entirely of nonjurisdictional upland areas. Land donations shall occur prior to the first project record plat approval or, if no record plat is required, prior to the issuance of the first project building permit. Park location shall be mutually agreed upon by the Pasco County Parks and Recreation Department and the Developer. Fees in lieu of donation shall be paid at the time of record plat approval or, if no record plat is required, at the time of the first building permit issuance. The Developer shall also provide to the County a \$50.00 (Fifty Dollars and 00/100) per unit (unless modified by Ordinance) Park Service Fee, prior to the first record plat approval for each increment or where no record plat is required, prior to the first building permit for each increment.

3. Public park and recreational facilities shall be accessible to the elderly, handicapped, and economically disadvantaged as required by law.

4. Prior to commencement of construction of any phase or subphase, the entity(ies) responsible for the maintenance of all recreational and open space areas within that phase or subphase shall be identified. Changes of the responsible entities shall be subject to the approval of Pasco County. Responsible entity(ies) identified shall be stated in the first Annual Report following each phase or subphase approval.

5. Prior to construction permits being issued to the Developer for any phase or subphase which contains any public or private parks, open space, or courses

designated by the Developer on the Master Development Plan, those open space uses shall be restricted to remain as an active or passive recreational open space amenity.

6. All golf cart and pedestrian golf course ways shall incorporate bridges to cross wetlands in a manner so as to maintain the desired wetland hydroperiod and flow.

Q. Health Care/Police/Fire

1. Pasco County shall provide Fire, Police, and EMS service to the development.

2. NEW RIVER shall be constructed to meet or exceed State and local fire codes and regulations. Prior to the issuance of building permits, the Developer shall provide assurance that the buildings will be supplied with sprinkler systems and that functioning fire hydrants, in sufficient number and appropriate locations to accommodate the fire fighting operations, will be provided.

3. Upon issuance of the 750th single-family residential building permit, the Developer agrees to fund the reasonable costs of construction of a replacement building for the Chancey Road Fire Station not exceeding 4,200 square feet. The construction costs for which the Developer is responsible shall not include any cost for landscaping, equipment, parking area, or other ancillary development. The building construction shall be in substantial conformance with those plans for a prototype fire station prepared on behalf of the County by Charles A. Partin, with the one exception that the existing flat-roof design will be modified to a slope structure "hip" roof type, and all dormitories may be located on a single side of the truck bays. The County agrees that this funding obligation of the Developer shall be reduced by requiring a prorated contribution, as determined by the County, for any new DRI receiving fire service from the station and by requiring any previously approved DRI, wherein such a contribution is authorized, to pay its prorated share of such construction cost. In the event the Developer has funded the construction prior to the approval of any DRI, then the Developer will be reimbursed for such funding on a pro rata basis from the subsequently approved DRI. The Developer shall not be responsible for any fire service or emergency service impact fee, or any fire service or emergency service component of a public safety impact fee subsequently adopted by the County, as the contribution by the Developer, as set forth herein, is intended to mitigate the impacts of Phase I, Phase II, and Phase III of the development.

R. Housing

1. The project shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. Forty (40) percent of all NEW RIVER dwelling units shall be deed restricted, designed and developed as an adult community pursuant to the provisions of the ADA

and Section 760.29, Florida Statutes. The Developer shall comply with all Federal and State statutes in establishing these deed restricted adult communities.

S. General Conditions

1. Any outstanding amount for initial review by the TBRPC shall be paid within fifteen (15) days after a detailed billing in accordance with the rule. Payment for any future activities of the TBRPC with regard to this development including, but not limited to, monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the Rule 9J-2.0252, F.A.C.

2. Should the Developer divest himself of all interest in the project prior to the expiration of this Development Order, the Developer shall designate the successor entity to be responsible for preparation of the Annual Report.

3. If there is an internal conflict between provision(s) of this Development Order, then the more stringent provision(s) shall prevail.

VI. Procedures

A. Monitoring

1. Monitoring of NEW RIVER by the County shall be the responsibility of the County Administrator or his designee at the time of Annual Report submittal approvals.

2. The Developer shall provide an Annual Report on the required form to the Development Services Branch, the TBRPC, and the DCA on the anniversary date of final adoption of this Development Order each year during the term of this Development Order. The contents of the Annual Report shall meet the requirements of Section 380.06(18), Florida Statutes, and shall include all additional data and information, as required in this Development Order.

3. If the Annual Report is not submitted within thirty (30) days after the due date, Pasco County shall notify the Developer and shall declare the project not to be in compliance with the Development Order. Should the report not be submitted within thirty (30) days after such notification, all on-going development activity, further issuance of building permits, and extension of services to the project shall cease immediately pursuant to Section 380.06(17), Florida Statutes, as amended, until a public hearing has been held, pursuant to Section 380.06(19), Florida Statutes, as amended, to determine if a Substantial Deviation determination has occurred.

4. In addition to the required elements of the Annual Report, the Developer shall include:

a. The cumulative number of units developed through the land use tradeoff mechanism;

b. The cumulative number of units (du's by type, square feet of retail, industrial, etc.) with site plan approval (preliminary plan, construction plan, site plan), platted, constructed, and occupied;

c. A synopsis of all DRI and zoning amendments;

d. A synopsis of ownership (major parcels);

e. A list of DRI development order and zoning conditions of approval met by the developer.

B. Amendments/Substantial Deviations

1. Proposed or necessary changes to the Development Order must undergo a review by the Commission. Application to amend any provision of this Development Order shall be made on the required form (Notice of a Proposed Change to a Previously Approved DRI), and shall be provided by the Developer to the TBRPC, the DCA, and Pasco County. Review and approval shall be carried out pursuant to the provisions of Section 380.06(19), Florida Statutes, as amended, prior to implementation of such changes.

C. Notice of Adoption

1. A Notice of Adoption of this resolution shall be filed and recorded in the public records of Pasco County, Florida, in accordance with Section 380.06(15)(f), Florida Statutes, as amended.

2. The Clerk of the Commission shall return eight (8) signed and certified copies of this Development Order and Notice of Adoption to the Pasco County Development Services Branch. The Development Services Branch shall then send out the copies of each document to the DCA and the TBRPC, and to attorneys of record in these proceedings.

D. Severability

If any section, subsection, sentence, clause, or provision of this resolution is held invalid, the remains of the resolution shall be construed as not having contained said section, subsection, clause, or other provision, and shall not be affected by such holding.

DONE AND RESOLVED this 7th day of January, 1992.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: Jed Pittman
JED PITTMAN, CLERK

BY: Mike Wells
MIKE WELLS, CHAIRMAN

By: Elaine H. Mitchell, DC

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: _____
ATTORNEY

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE
OR OF PUBLIC RECORD IN THIS OFFICE, WITNESS MY
HAND AND OFFICIAL SEAL THIS 7th DAY OF
January 1992

JED PITTMAN, CLERK OF CIRCUIT COURT
BY: Elaine H. Mitchell C.C.

NEW RIVER
DEVELOPMENT ORDER
LIST OF EXHIBITS

- *EXHIBIT A - Application for Development Approval (ADA), Sufficiency Responses, and NEW RIVER Updated Subphase Traffic Analysis (December 6, 1991)
- *EXHIBIT B - Findings of Fact
Pages 25-49 of Adopted the TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT C - Legal Description
- EXHIBIT D - Developer's Commitments
Pages 22-24 of Adopted TBRPC DRI Final Report (August 12, 1991)
- EXHIBIT E - MPUD Rezoning Conditions of Approval
MPUD Amendment - March 12, 1991 (File No. PL91-257)
MPUD - December 13, 1988 (Petition No. 4061)
- EXHIBIT F - The TBRPC Preservation/Conservation Wetlands Map
- *EXHIBIT G - Revised Map H, dated May 1991.
- *EXHIBIT H - Wildlife Management Plan

*These Exhibits are incorporated into this Development Order by reference and are not specifically described.

EXHIBIT C
Legal Description

EXHIBIT C

LEGAL DESCRIPTION

ALL OF THAT PORTION OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD 54; AND, THAT PORTION OF THE WEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, AND RUN S89°54'43"E, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 13, 949.969 FEET; THENCE S00°30'35"W, 458.52 FEET FOR A P.O.B.; THENCE CONTINUE S00°30'35"W, 435.60 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE RUN N82°02'55"W, 200.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°30'35"E, 435.60 FEET; THENCE S82°02'55"E, 200.00 FEET TO THE P.O.B. SUBJECT TO A 100.00 FOOT FLORIDA POWER CORPORATION EASEMENT OVER THE SOUTHERN PORTION OF ABOVE DESCRIBED PROPERTY; ALSO, LESS A PORTION IN THE NORTHWEST 1/4 OF SECTION 13 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE RUN N89°58'52"E, ALONG THE NORTH BOUNDARY OF SAID SECTION 13, 154.74 FEET FOR A P.O.B.; THENCE CONTINUE N89°58'52"E, 609.98 FEET; THENCE S47°48'42"E, 36.88 FEET; THENCE S55°28'57"W, 670.00 FEET; THENCE N11°54'39"W, 413.12 FEET TO THE P.O.B.

AND THE WEST 1/2 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS A PORTION OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 12, AND RUN N80°13'18"E, 151.53 FEET FOR A P.O.B.; THENCE N55°28'57"E, 405.26 FEET; THENCE S47°48'42"E, 379.90 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 12; THENCE RUN S89°58'52"W ALONG SAID SOUTH BOUNDARY, 609.98 FEET; THENCE N11°54'39"W, 26.25 FEET TO THE P.O.B.

AND THE SOUTHEAST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2, THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA AND THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF.

AND THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS AND EXCEPT THE WEST 1,828.75 FEET THEREOF AND THE EAST 3/4 OF THE NORTH 1/2 AND THAT PORTION OF THE WEST 5/8 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING NORTH OF STATE ROAD 54, AND THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LYING NORTH OF STATE ROAD NO. 54, LESS, COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 20 EAST, PASCO COUNTY, FLORIDA, AND RUN S89°54'43"E, ALONG THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4, 2,203.99 FEET; THENCE S07°57'05"W, 685.63 FEET FOR A P.O.B.; THENCE RUN S82°02'55"E, 600.00 FEET; THENCE S07°57'05"W, 361.55 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 54; THENCE N82°02'55"W; THENCE RUN S07°57'05"W, 10.00 FEET TO A RIGHT-OF-WAY MARKER OF STATE ROAD NO. 54; THENCE CONTINUE N82°02'55"W, ALONG SAID RIGHT-OF-WAY 87.00 FEET; THENCE RUN N07°57'05"E, 371.55 FEET TO THE P.O.B.

AND BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 30.00 FEET OF THE SOUTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET THEREOF, AND THE WEST 30.00 FEET OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, LESS THE WEST 1,828.75 FEET, THEREOF, AND THE WEST 30.00 FEET OF THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, LYING NORTH OF THE RIGHT-OF-WAY LINE OF STATE ROAD NO. 54, LESS THE WEST 1,828.75 FEET THEREOF AND BEING FURTHER SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS TO A PRIVATE FAMILY CEMETERY OVER AND ACROSS THE SOUTH 25.7 FEET OF THE EAST 25.00 FEET OF SECTION 11, AND THE SOUTH 25.7 FEET OF THE WEST 159.85 FEET OF SECTION 12 AND THE WEST 25.00 FEET OF THAT PORTION OF SECTION 13 LYING NORTH OF STATE ROAD NO. 54, AND THE NORTH 24.3 FEET OF THE WEST 159.85 FEET OF SAID SECTION 13 AND THE EAST 25.00 FEET OF THAT PORTION OF SECTION 14, LYING NORTH OF STATE ROAD NO. 54

AND THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 26 SOUTH, RANGE 20 EAST, LESS THE WEST 1,828.75 FEET THEREOF, LYING NORTH OF STATE ROAD NO. 54, CONTAINING 1,800.85 ACRES.

PROVIDED BY JAMES A. HILL
PROFESSIONAL LAND SURVEYOR
708 DIXIE AVENUE
DADE CITY, FLORIDA

EXHIBIT D
Developer's Commitments

DRI #210

NEW RIVER

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

The project will be governed by the Pasco County Zoning Code and all local development regulations. (ADA, page 12-4)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

Appropriate procedures will be employed to control wind erosion and fugitive dusts, as required by Pasco County. (ADA, page 13-3)

The applicant is willing to have a Development Order Condition that, if the FDER parking thresholds are planned to be reached or surpassed in the future, an appropriate air quality analysis of the pertinent parking facilities would be prepared. (SR1, page 13-9)

Wetlands

Stormwater (developer clarification: primary treatment facilities) associated with the proposed development will be excavated from uplands. (SR1, 16-3)

A combination of haybales and Envirofence will be utilized to protect the marsh areas to be preserved. (SR1, 16-3)

Lakes/retention ponds that are located adjacent to, or in proximity to, wetlands will be designed after careful determination of the seasonal high water and normal pool elevations associated with the wetland. (SR1, 16-5)

(Developer clarification: As mitigation for wetlands impacts the applicant will enhance the wetland functions of selected) preserved marshes. (ADA, page 16-6)

Floodplains

All permanent habitable structures will be constructed with floor elevations at or above the 100-year flood level. (ADA, 17-8)

Vegetation and Wildlife

Three upland preserves will be located within the development providing for wildlife habitat and acting as a natural buffer between developed areas of the project. (SR3, page 1)

Should the Florida sandhill crane be documented in the future to nest on site, their management will be addressed in association with construction permit applications. (New River Wildlife Management Plan (NRWMP), page 19)

Wildlife underpasses will be provided along the primary New River riparian corridor between upland preserves. (NRWMP, page 21)

Monitoring will be conducted by a qualified biologist at least annually for five consecutive years once active management of a given preserve has been initiated. Monitoring will then occur every fifth year. Results of the monitoring will be submitted to the FGFWFC within 60 days of the monitoring event. However, after ten years, monitoring will be subject to termination or modification at any time upon mutual consent of the FGFWFC and the entity responsible for preserve management (e.g., developer, homeowners association). (NRWMP, page 22)

Gopher tortoises monitoring will be conducted as described in (developer clarification: the New River Wildlife Management Plan). (NRWMP, page 22)

Surveys for scrub jays will be conducted during the spring in the year prior to the prescribed burn (or mechanical treatment) for each management unit and at the midpoint of each burn cycle for xeric oak and pine flatwoods habitat types. (NRWMP, page 23)

Habitats designated for preserve areas will be protected in perpetuity through the Pasco County MFUD rezoning process. (NRWMP, page 23)

Historical and Archaeological Sites

Should any archaeological or historical resources be discovered during development construction, the disposition of such resources would be determined in cooperation with the State Division of Historical Resources and Pasco County. (SR1, 19-1)

PUBLIC FACILITIES

Drainage

The natural flow pattern of New River and its various tributaries will be maintained. (ADA, page 22-1)

Water Supply

The developer will participate, as may be required by law, in the use of reclaimed water for non-potable purposes, including residential lawn sprinkling. (SR1, 23-3)

The developer will investigate the use of water conservation devices throughout the project. (SR1, 23-3)

Education

The developer has agreed to donate a 15-acre site to be used by the School Board for Elementary School construction or to provide a Lump Sum cash contribution of \$57,433 toward acquisition or construction of an Elementary School in the area. (SR1, page 26-1)

Housing

The developer intends that the portions of the community which are set aside as "older persons' housing" will have a set of policies which are not binding on the other housing offered on the site. The marketing plan will be explicitly directed toward "older persons". Rules and regulations will be put into effect which "codify" the intent of the developer that the community be designated as "older persons' housing". (SR1, page 12-2)

Transportation

NEW RIVER will construct its internal roadway network and provide for the necessary connections of that roadway to the external network, including site-related turn lanes. (ADA, 31-83)

EXHIBIT E

MPUD Rezoning Conditions of Approval

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 2/20/91

FILE: PL91-257

THRU: William C. Munz
Assistant County Administrator
(Development Services)

SUBJECT: The Brown Site - Master Planned
Unit Development Amendment
Date of Meeting: March 12, 1991
Type of Action: Consent

FROM: 
Frederick J. Lowndes
Assistant Planning and Zoning
Director/Zoning Administrator

REFERENCES: Land Development Regulations,
Section 520.6(F),
Substantial Changes; District 2

It is recommended that the data herein presented be given formal consideration by the County Commission.

Commission District:	The Honorable Bonnie D. Zimmer
Project Name:	The Brown Site Master Planned Unit Development (MPUD)
Developer's Name:	FLAC Development, Inc.
Location:	The north side of S.R. 54, approximately five miles east of Interstate 75, in Sections 10, 11, 12, 13, 14 and 15, Township 26 South, Range 20 East.
Zoning District:	MPUD
Acreage:	1,800.85
No. of Dwelling Units:	4,800
Type of Dwelling Units:	Single-Family and Multifamily
Commercial Acreage/Gross Square Feet:	680,000 Gross Square Feet on 63.4 Acres

BACKGROUND:

On December 13, 1988, the Pasco County Board of County Commissioners approved the Brown Site Master Planned Unit Development, Petition #4061.

On November 15, 1990, the Board of County Commissioners approved PL91-055, granting an extension of time in which to comply with a condition of zoning approval which required consistency between the MPUD Master Plan and the Master Plan proposed by the Development of Regional Impact application for development approval.

The current proposal seeks to change certain development standards in order to accommodate conservation and preservation areas to be dedicated or reserved as conditions of Development of Regional Impact (DRI) approval. The project is currently undergoing Development of Regional Impact Application for Development Approval Sufficiency Review.

FINDINGS OF FACT:

The Planning and Zoning Department has received a formal request from the developers of The Brown Site to amend the existing Master Development Plan to allow changes as indicated in the recommended conditions of approval which would make the MPUD consistent with the Master Plan proposed for the DRI.

ANALYSIS:

By interpretation of the Zoning Administrator, both Planned Unit Development and Master Planned Unit Development amendments must be reviewed in accordance with Section 520.6(F), Substantial Changes, of the Pasco County Land Development Regulations to determine if the proposed changes are substantial. A substantial change is deemed to exist where:

1. "There is a proposed increase of greater than five percent (5%) in the total number of dwelling units proposed for the Master PUD."

COMMENTS: Units are decreased from 4,800 to 3,800 units.

2. "There is a proposed major redistribution of density within individual phases of the Master PUD."

FINDING: No change.

3. "There is a decrease of proposed preservation or conservation areas involving more than five percent (5%) of the original area set forth in the Master PUD plan."

FINDING: Area of preservation and conservation is increased due to Development of Regional Impact review.

4. "There is an increase in the size of areas proposed for nonresidential uses of more than five percent (5%)."

FINDING: The acreage and square footage of commercial uses are approximately ten percent less.

5. "There is a substantial increase in the adverse impact of the development due to modifications or failure to comply with conditions or stipulations authorized in the original approval."

FINDING: No applicable.

6. "The Tampa Bay Regional Planning Council (TBRPC) or the state land planning agency (the Florida Department of Community Affairs [DCA]) indicates the existence of substantial adverse regional impacts under the master development plan as approved."

FINDING: Not applicable.

RECOMMENDATION:

Based upon the foregoing and criteria established within Section 520.6(F), Substantial Changes, of the Pasco County Land Development Regulations, the Planning staff has determined that the amendment of the Master Development Plan does not constitute a substantial change. The Planning staff recommends that the request for amendment be approved with the following condition(s):

1. The Master Planned Unit Development Conditions of Approval, Petition #4061, as approved on December 13, 1988, and as subsequently amended, be further amended as follows:

At such time the County acquires the necessary right-of-way to accommodate the connection of Linda Drive, a local road, to S.R. 54, within 14 years of the project acquiring a Development of Regional Impact Development Order, the developer shall design, permit, and construct that section (approximately 150 linear feet) of Linda Drive necessary to align with the project entrance opposite S.R. 54, provided the County has made a good-faith effort, but has failed to require any developer of adjacent property to construct this extension to local road standards. The County shall issue all necessary permits to accomplish the alignment. The developer shall not be eligible for impact fee credits for the costs of design, permitting, and construction for the above section. Design, permitting, and construction shall commence within 180 days of written notification from the County that the subject right-of-way has been acquired.

2. All remaining Conditions of Approval of Petition #4061 shall continue in full force and effect.
3. Twelve copies of a revised Master Development Plan shall be submitted to the Planning and Zoning Department for review and approval within 45 days of approval of the Master Planned Unit Development amendment and prior to the first preliminary/site plan approval thereafter. The Planning and Zoning Department will submit said revised Plan to the Development Review Committee for approval when the revisions are complete. The following revision(s) shall be required:
 4. Single-family zero lot line uses shall only be permitted in the following SF-2 designated parcels: A-6, B-27, B-29, B-33, and B-35.

- b. Multifamily (townhouse) uses in SF-3 designated parcels must maintain a 20-foot minimum front setback.
 - c. Single-family zero lot line uses shall not exceed a lot coverage of 60 percent.
 - d. Single-family zero lot line minimum lot size shall be 4,200 square feet.
 - e. Zero lot line plans will provide for a minimum of ten feet separation between structures.
4. Modifications to the MPUD Master Development Plan resulting from Development of Regional Impact Development Order approval requirements shall be subject to the review and approval of the Planning Director and not deemed a modification of the MPUD approval nor shall require zoning amendment processing.
 5. Charts appearing on the Master Plan shall conform to the development standards booklet as amended.
 6. Roads and driveways on the south side of S.R. 54 along the project's S.R. 54 frontage shall be accurately shown and labeled on the revised plan. All proposed project entrances shall align with roads on the south side of S.R. 54. All proposed project entrances will be labeled as per future conditions; i.e., right-in, right-out, median cut, etc.

FJL/DRN/g021905:wp

cc: William G. Munz, Assistant County Administrator (Development Services)
Samuel P. Steffey II, Planning Director

APPROVED AGENDA ITEM

FOR _____

BY _____



DEC 16 1988

PASCO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

Sylvia Young
Chairman
Mike Wells
Vice-Chairman
Curtis Law
Ann Hildebrand
Allan G. Saljanox, Jr.

December 14, 1988

Flag Development Co. of Fla., Inc. 4061
Bill R. & Anne C. Brown
c/o Gerald A. Figurski
8406 Massachusetts Avenue
Suite II-1
New Port Richey, Fl. 34653

Dear Petitioner(s):

On December 13, 1988, the Board of County Commissioners approved your request as per the attached memorandum.

If you have any questions regarding this matter, please contact Mr. Fred Lowndes, Zoning Administrator, at the address or telephone number indicated below.

Sincerely,

Jed Pittman
By: Elaine H. Mitchell, DC

JED PITTMAN
CLERK TO THE BOARD

JP/ehm
Enclosure

Reply to:

- 705 East Live Oak Avenue — Dade City, Florida 33525 - (904) 521-4274
 7530 Little Road — New Port Richey, Florida 34654 - (813) 847-2411

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

ZONING PETITION REVIEW REPORT

TO:	Pasco County Planning Commission	PETITION #4061
	<i>Frederick J. Lowndes</i>	Commission District #2
FROM:	Frederick J. Lowndes Assistant Planning & Zoning Director	Planning Commission Hearing Date: 12/7/88
SUBJECT:	Rezoning Request Southeast Pasco County (Cont. from 11/16/88, PC) (Cont. from 11/22/88, BCC)	Board of County Commissioners Hearing Date: 12/13/88 (DC)
APPLICANT:	Flag Development Co. of Fla., Inc.; Bill R. and Anne C. Brown	Board of Zoning Adjustment Hearing Date: N/A

PETITION SUMMARY

Petition #4061 in the name of Flag Development Co. of Fla., Inc.; Bill R. and Anne C. Brown has been filed for a change in zoning from an A-C (Agricultural) District to an MPUD (Master Planned Unit Development) District. The property is located on the north side of S.R. 54, approximately 1,100 feet east of Foxwood Blvd., and extending east approximately 1-3/4 miles (Sections 10, 11, 12, 13, 14, and 15, Township 26 South, Range 20 East), and contains 1,800.9 acres, m.c.l.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C (Agricultural)	- Single-Family; Pastureland
East:	A-C (Agricultural)	- Single-Family; Pastureland and Groves
South:	C-2 (General Commercial) C-1 (Neighborhood Commercial) R-MH (Mobile Home) A-R (Agricultural-Residential) A-C (Agricultural)	- S.R. 54; Single-Family Dwellings (Foxwood Subdivision)
West:	R-4 (High Density Residential) C-2 (General Commercial)	- Undeveloped

FINDINGS OF FACT

1. Presently, the subject site contains three single-family homes and a shed, and the applicant proposes to develop the property as a planned residential community with ancillary commercial.
2. Access to the property is from S.R. 54, which has 24 feet of pavement and 100 feet of right-of-way, by survey.
3. The subject property may be located in an identified 100-year flood prone area. Development within these areas is subject to all requirements of the Flood Damage Prevention Ordinance 87-11.
4. The surrounding area is characterized by farms and pastureland.
5. The proposed request is consistent with the Pasco County Comprehensive Plan and Article XXV, Section 25.2(E), of the Zoning Ordinance.

STAFF RECOMMENDATION

Approval with Conditions

CONDITIONS

See attached list of Conditions

PLANNING COMMISSION RECOMMENDATION

Approval of Staff Recommendation: 10 Ayes; 0 Nays
Denial of Staff Recommendation: _____ Ayes; _____ Nays

Approval Staff Recommendation

BOARD OF COUNTY COMMISSIONERS ACTION

Approval Planning Commission Recommendation

BROWN SITE
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL

EXHIBIT

REZONING PETITION #4061

B
7

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted October 1, 1988, unless otherwise stipulated or modified herein. Eight copies of a revised Master Development Plan and eight copies of a revised accompanying narrative shall be submitted to the Planning and Zoning Department for review and approval within 12 months of approval of the Master Planned Unit Development rezoning or prior to filing the Application for Development Approval, whichever happens first, and prior to the first preliminary/site plan approval. The Planning and Zoning Department will submit said revised Plan and narrative to the Development Review Committee for approval when the revisions are complete. The revised plan shall incorporate the following conditions:

a. Master Development Plan

- (1) The number of median cuts to project entrances from State Road 54 shall be limited to five, four of which are depicted on the Master Development Plan, and relocated as follows:
 - (a) The main access to Parcels 3 and 4 shall be opposite the proposed secondary entrance to Fox Ridge, with the secondary entry to Parcel 3 opposite the proposed main entrance to Oak Village Lakes.
- (2) Realignment of the internal roads as follows:
 - (a) Eliminate the crossing of the New River between Parcels 2 and 33; access the easternmost internal loop road entirely through Parcel 2.
 - (b) Creation of service roads paralleling State Road 54, connecting Parcel 1 to Parcel 2 and Parcel 3 to Parcel 4, respectively.
- (3) Replotting the zoning, land uses, and existing and proposed accesses on the south side of State Road 54.
- (4) Change notes and development standards to be consistent with required changes on the Master Development Plan.
- (5) Proposed right-of-way dedication along State Road 54.
- (6) Two stub-outs shall be provided along the northern property boundary. The easternmost stub-out (from the retirement community) shall be for emergency access purposes only and barricaded appropriately. The westernmost stub-out (from the nonretirement community) shall be a local public street.
- (7) The location of existing Barnes Road in relation to the northern property boundary.

b. Project Narrative

- (1) Page 4: Change to indicate that a traffic study will be provided at the time of submittal of the Development of Regional Impact Application for Development Approval. Change the average daily sewage flows to 150 and 200 gpd/unit for multifamily and single family respectively. Reduce the projected demand accordingly.
- (2) Page 5: Change 0.5 mgd (fourth line, second paragraph) to 0.8 mgd.
- (3) Page 8: Limit the gross density according to the adopted Pasco County Comprehensive Plan, using the formula for wetlands density credits contained herein, except to the extent development rights have accrued under law.
- (4) Page 10: Limit the maximum allowable floor area ratio to .23 according to the adopted Pasco County Comprehensive Plan, except to the extent that development rights have accrued under law. Specify that the proposed gross floor area for each parcel is gross floor area, rather than developable area.

2. A preliminary plan must be approved for an entire single-family fee simple increment/parcel prior to any phased construction drawing approval. Pursuant to Condition 20 below and the design and density regulations of this approval, the maximum number of units and the density of each residential increment shall not exceed the limits permitted by the Master Development Plan. A subphasing plan must also be approved by the Zoning Administrator for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any site plan approvals. Each site plan must substantially conform to the approved subphasing plan. Preliminary/site plan submittals shall also include the accumulative number of residential units or total gross floor area (g.f.a.) of commercial space which has received preliminary/site plan approval and is constructed or record platting.

Open Space/Buffering

3. The wetlands (conservation/preservation areas) shall be delineated by the Florida Department of Environmental Regulation consistent with Policies 10.1.2 and 10.3.1 of the Tampa Bay Regional Planning Council's Future of the Region. Initial or estimated jurisdictional boundaries shall be shown on each preliminary/site plan. Final jurisdictional wetlands shall be platting or preserved as conservation/preservation easements, except as modified by Condition 4 below. Final wetlands limits shall be shown on final construction plans following appropriate permit approvals. Adjustments of wetlands limits may require corresponding amendments of previously approved preliminary/site plans.
4. Lot lines shall not extend within wetland areas except as approved by the Development Review Committee. Ownership and maintenance of conservation/preservation areas shall be provided by the mandatory homeowners'/property owners'/condominium owners' association.
5. The developer shall create a mandatory homeowners'/property owners'/condominium owners' association in the form of a nonprofit corporation, registered with the Secretary of State, State of Florida. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, and other special purpose tracts. All incorporation and other relevant documents shall be submitted to the Engineering Services Department for review prior to the record platting of the first unit or phase within the development.
6. A unifying landscape plan for all internal major roads (e.g. all project entrances and internal collector streets) shall be provided to the Development Review Committee for approval and may be submitted in phases for review and approval simultaneously with each preliminary/site plan submittal. Approval of the landscape plan will obviate the need to strictly comply with the requirements of Sections 23.3 of the Pasco County Zoning Ordinance.
7. The developer shall comply with the provisions of the Pasco County Tree Ordinance (#81-10). It is the intent of this condition to encourage the preservation of individual trees and/or groupings of trees whose size, location, species, and environmental function warrant their protection as public resources.
8. The developer shall donate parkland or pay fees in lieu of parkland donation, or may use a combination of land donation and in lieu fee payments. Land donations and/or fee payments for the proposed 4,841 residential units shall be made at the rate of one acre per 100 units or \$100.00 per unit.

Any park sites so donated shall include a minimum of 20 acres and shall consist entirely of nonjurisdictional areas. Land donations shall occur prior to the first record plat approval, or if no record plat is required, prior to issuance of the first building permit. The location shall be mutually determined by the Pasco County Parks and Recreation Department and the developer. Fees in lieu of donation shall be paid at the time of record plat approval, or if no record plat is required, at the time of the first building permit issuance. The developer shall also provide to the County a \$50.00 per unit (unless modified by Ordinance) park service fee prior to the first record plat approval for each increment, or where no record plat is required, prior to the first building permit for each increment.

Transportation/Circulation

9. The developer shall either dedicate/donate or transfer by fee simple deed to the County, unless otherwise specified herein, the appropriate amount of right-of-way for the proposed and abutting roadways. Sufficient right-of-way shall be dedicated so that the proposed roadway meets Florida Department of Transportation standards as follows:

a. Internal roads.

(1) Public collectors.

70 feet (60 feet with closed drainage).

(2) Local public streets.

50 feet for all local streets.

(3) Private streets:

Access easements sufficient to contain pavement, curbs, and required recovery zones. The entire access easement shall be platted as separate tracts.

- b. Additional right-of-way (not to exceed a total half width of 105 feet from the centerline) along S.R. 54. Within 90 days of final approval of the Development of Regional Impact Development Order, the first 60 feet thereof shall be donated and the remaining 45 feet shall be conveyed as a perpetual easement. No improvements other than nonrequired landscaping shall be located in right-of-way or perpetual easement. To the extent that conveyed right-of-way decreases the proposed Master Development Plan commercial acreage/intensity or residential acreage/density, the developer may transfer or relocate the above-referenced decreases elsewhere on site.

c. Intersections.

(1) Internal roads.

Additional right-of-way as determined by the Development Review Committee.

(2) External roads.

Additional right-of-way as determined by the Development Review Committee

The transfer of right-of-way for internal public roads shall be at either the time of record plat of the abutting increment; or where no record plat is required, at the time of site plan approval. The developer shall provide all necessary documents and/or information pertaining to the above-mentioned transference of right-of-way to the Pasco County Real Estate Division prior to any preliminary plan approvals. Reductions in right-of-way may occur, if approved by the County, if road stormwater drainage is accommodated--e.g., may include urban roadway designs with a stormwater sewer system or stormwater easements into retention areas within adjoining increments.

10. The developer shall make the necessary roadway and intersection improvements as identified below:

a. Design and improve/construct the following roadways to the indicated functional classifications:

Project access roads off State Road 54, internal loop roads, as shown on the Master Development Plan as collectors, at minimum.

All other roads as local streets.

All private streets within the development shall be constructed to Pasco County Engineering Services Department standards:

Collector streets - 32-foot total pavement section (28-foot pavement width, which may include bike lanes as referenced in Condition 1 below, plus two-foot curbs).

Local streets - 26-foot total pavement section (22-foot pavement width plus two-foot curbs).

Inverted crowns may be used in nonfee simple residential areas only upon approval of the Development Review Committee.

b. Access.

- (1) Vehicular access rights shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment along all nonlocal roads within or adjoining the project.

(2) The intersections of State Road 54 and the project access roads shall be constructed as required by the Florida Department of Transportation and/or the County Engineering Services Department. The developer shall pay his pro rata share of the cost of signalization of these intersections if such signalization is deemed to be necessary by the Development Review Committee and meets required Florida Department of Transportation and County Engineering Services Department traffic warrants.

(3) The developer shall provide a secondary access in a manner found acceptable by the Development Review Committee whenever the residential development exceeds 100 units. This access may be barricaded in a manner found acceptable by the Engineering Services Department and the Emergency Services Department.

c. At each preliminary/site plan approval, the Development Review Committee may also require further intersection improvements along internal roadways. Along abutting roadways and external intersections, the Development Review Committee may also require additional improvements pursuant to the Development of Regional Impact Development Order. Specific intersection improvements shall be determined through the right-of-way use permit process.

The developer shall submit a plan to the Development Review Division indicating the geometric alignment, and construction phasing of the collector roadways as shown on the Master Development Plan. Approval of the roadway phasing and alignment plan must be obtained from the Development Review Committee prior to preliminary/site plan approval of the first increment. The County shall have the right to require specific time frames of completion of construction for any portion of these roads required to provide safe access to the increment which is subject of the submittal at the time of each preliminary/site plan approval.

11. Sidewalks shall be constructed on both sides of all proposed roads. Bicycle lanes shall be provided along nonlocal internal roadways. A Development Review Committee approved pedestrian/bikeway plan, which provides an alternative method of pedestrian/bikeway circulation, may supersede this requirement. Such pedestrian/bikeway plans shall comply with the handicapped provisions of Chapter 336.045, Florida Statutes.

Utilities: Drainage, Water Service, Wastewater Disposal

12. Prior to the first preliminary/site plan approval, the developer shall submit a Master Drainage Plan for the entire project to the County Engineer for approval by the Development Review Committee. Said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within the Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County. In addition, the ownership and maintenance responsibilities for the drainage for the drainage system(s) shall be referenced along with existing wetlands on the plan.

13. The developer shall submit drainage plans for each development phase and increment/parcel. These plans shall include drainage maps and runoff computations for all predevelopment and postdevelopment watersheds; detention/retention computations and quantities; drainage structure, pipe, swale, ditch, and other appurtenant structure locations, sizes, cross sections, types, and sizing computations. All drainage plans shall be in conformance with the above-referenced Master Drainage Plan and shall be approved prior to submission of the construction plans for the development phase/increment/parcel in question. The subsequent construction drawings for all or a portion of that development phase/increment/parcel shall indicate how and when the drainage system for that portion will coordinate with that of the entire increment's/parcel's drainage system and the Master Drainage Plan. No design of an individual increment/parcel or portion of an increment/parcel shall be dependent upon the ultimate construction of future increments/parcels, unless an interim design for drainage through a future increment(s)/parcel(s) is approved by the Development Review Committee.

14. Base flood elevations for all habitable structures shall be at or above the 100-year flood plan elevation. All preliminary/site plan approvals shall show the 100-year flood elevation.

15. A Master Utility Plan for the entire development must be submitted to and approved by the Pasco County Utilities Department prior to approval of the first preliminary/site plan. This Utility Plan shall minimally show the following:

- a. Sewer lines and lift stations.
- b. Main potable water lines and branch potable 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 public roads.

Prior to the first preliminary/site plan approval, the developer and the County shall enter into a Utility Service Agreement.

- 16. 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 Department.

Land Use

- 17. The design standards are those specified in the Brown Site Master Planned Unit Development Zoning Application #4061 dated October 1, 1988. Where Tables III and IV of the accompanying narrative reference standards of the Pasco County Zoning Ordinance, the standards in effect at the time of rezoning approval shall remain. The following changes shall be made to the above-referenced Tables III and IV:
 - a. Table III - Development Standards
 - (1) Revise the parcel increment designation to include two multifamily categories--MF-1 and MF-2. Maximum allowable densities shall be 10 and 16 dwelling units per acre, respectively.
 - b. Table IV - Design and Density Standards
 - (1) Delete "townhouse" from Section IV.1.B.5).
 - (2) Delete Section IV.1.B.5)b)(1).
 - (3) Insert standards for a low density multifamily category: to be developed pursuant to MF-1 standards with maximum permitted gross density of ten dwelling units per acre.
 - (4) Change Section IV.1.D)6) to "RMF-2".
 - (5) Change Section IV.1.B.6)b) to say that "development and use shall be in accordance with regulations for the MF-2, High Density Multiple Family District..."
 - (6) Move the parcel increment designation down on Page 19 to opposite the "Commercial" heading.
 - (7) Revise Section IV.2.A.2) to say that "development and uses shall be in accordance with Section 16.5.D. of the Pasco County Zoning Ordinance."
- 18. With any cluster development, the County may add additional performance standards during the time of preliminary/site plan approval. The developer shall also submit a concept sketch for the Planning and Zoning Department's review, prior to submission of a preliminary/site plan showing the location of typical buildable area with appropriate typical lot setbacks. The Zoning Administrator shall have the authority to approve, reject, or recommend modifications to the concept sketch. Any such action by the Zoning Administrator may be appealed first to the Development Review Committee, whose ruling(s) may, in turn, be appealed to the Board of County Commissioners.
- 19. Principal structures (exclusive of swimming pools) shall be set back at least 35 feet from the rights-of-way or access easement lines of the collector and arterial roads. However, this setback may be reduced to 25 feet if a six-foot high wall is provided as a buffer.
- 20. If any redistribution of units is proposed, pursuant to the guidelines listed in Section III.A on Page 11 of the Master Planned Unit Development Amendment Application narrative, the developer shall submit an amended Master Development Plan to the Zoning Administrator illustrating unit redistribution. Residential use may not be intensified within any one increment, as provided above, following approval of the plat or final site plan for the first unit in that increment without review and approval by the Board of County Commissioners.

The developer may designate, on the Master Development Plan, a site or sites which do not contain a parcel of three acres to be used for recreational vehicle storage for the use of Brown Site residents. Such a site(s) shall have appropriate landscaping and shall be approved by the Zoning Administrator. The site(s) must

obtain commercial site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners' association.

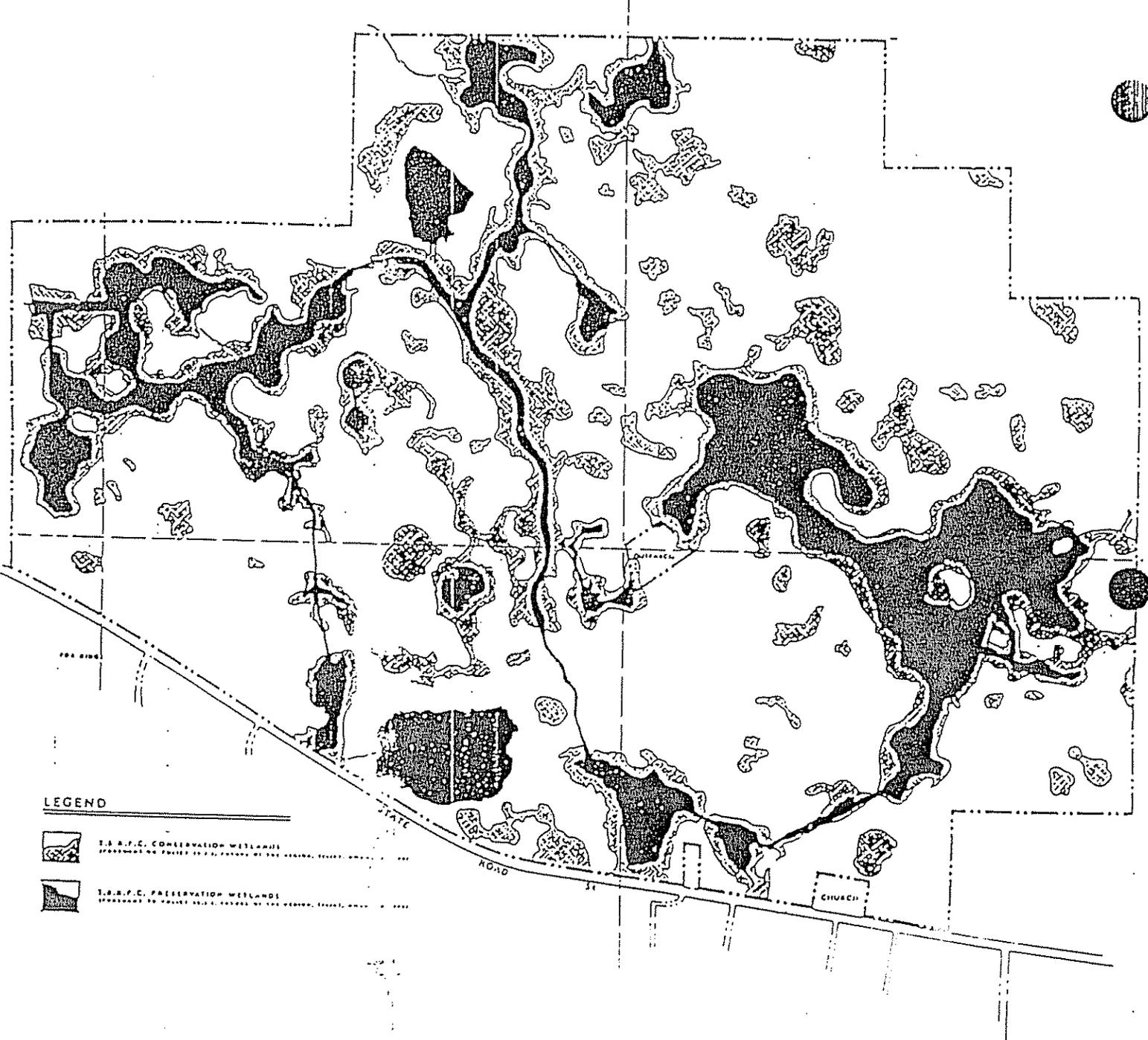
- 22. Signs shall be in compliance with the Pasco County Sign Ordinance (Section 23.6 of the Pasco County Zoning Ordinance). Commercial billboard signs shall not be permitted in this development except those specifically related to the residential component of the project (maximum two) and shall be removed upon completion of the project.

Procedures

- 23. The ordinances and regulations in effect at the time of preliminary plan submittal shall govern, unless otherwise specifically stipulated or modified herein and/or in a Development of Regional Impact Development Order, if applicable (except as referenced in Condition 17 above).
- 24. In the event a resolution is adopted by the Board of County Commissioners on or before approval of the final record plat establishing a County-wide fee for the purpose of funding public safety, the developer shall be required to pay said fee pursuant to that resolution unless the Board of County Commissioners of Pasco County shall waive such requirement of payment.
- 25. Any decisions or matters which, under the conditions of the Master Planned Unit Development require approval or allow modification by the Development Review Committee, or require approval by the Zoning Administrator may be appealed to the Board of County Commissioners and, where appropriate, to the Courts.
- 26. There shall be no development within the project unless the developer complies with the provisions of Chapter 380.06, Florida Statutes, as amended, and rules and regulations adopted pursuant thereto. Rezoning of this property with conditions of approval does not constitute a Development of Regional Impact Development Order nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County. The conditions of the Master Planned Unit Development may be modified or added to by the County based on the findings of any Development of Regional Impact Application for Development Approval and/or Development Order.

EXHIBIT F
The TBRPC Preservation/Conservation Wetlands Map

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LEGEND

-  I.S.A.P.C. CONSERVATION WETLANDS
WETLANDS OF HIGH VALUE TO BE PRESERVED
-  I.S.A.P.C. PRESERVATION WETLANDS
WETLANDS OF HIGHEST VALUE TO BE PRESERVED

NEW RIVER

FLAG DEVELOPMENT COMPANY



WETLANDS OF HIGH VALUE TO BE PRESERVED
WETLANDS MAP

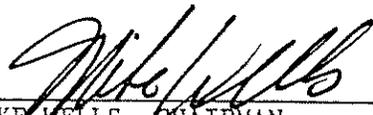
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NOTICE OF ADOPTION OF THE DEVELOPMENT ORDER
FOR THE NEW RIVER DEVELOPMENT OF REGIONAL IMPACT

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. _____ dated January 7, 1992, has adopted the Development Order for a Development of Regional Impact known as New River (Resolution No. _____). The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "C" of the Development Order.

A legal description of the property covered and the Development Order may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, Dade City, Florida.

The recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in above-mentioned Exhibit "C" nor actual nor constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.



MIKE WELLS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

State of Florida)
County of Pasco)

The foregoing Notice of Adoption of Development Order was acknowledged before me this _____ day of _____, 19____.

Notary Public
State of Florida at Large
My Commission Expires:

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

Attorney