

EXHIBIT A



TOWN OF DUNDEE ZONING AMENDMENT – FIRST READING STAFF REPORT & PROPOSED ORDINANCE

TO: Town of Dundee Town Commission

PREPARED BY: Central Florida Regional Planning Council

AGENDA DATE: May 10, 2022

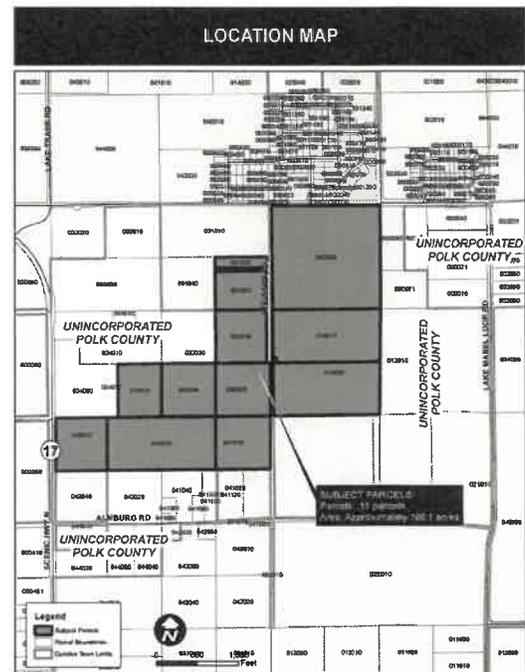
REQUESTED ACTION: **ORDINANCE 22-17: FIRST READING TO SET THE PUBLIC HEARING**

A request by Thomas Thayer to amend the official zoning map designation for property from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) for a project known as Valencia Ridge Reseeve on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road further described as parcels: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, and 272835-000000-014010.

BACKGROUND:

The property, which is located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road, includes eleven parcels, comprising approximately 161.1 acres of land (per Polk County Property Appraiser). The land is presently in citrus.

The property related to the zoning map amendment request includes Low Density



Residential (LDR) Future Land Use. The applicant is requesting a Zoning Map amendment from 161.1 acres of Moderate-Density Single Family Residential-2 (RSF-2) to Planned Unit Development-Residential. (PUD-R) for a project to be known as Valencia Ridge Reserve.

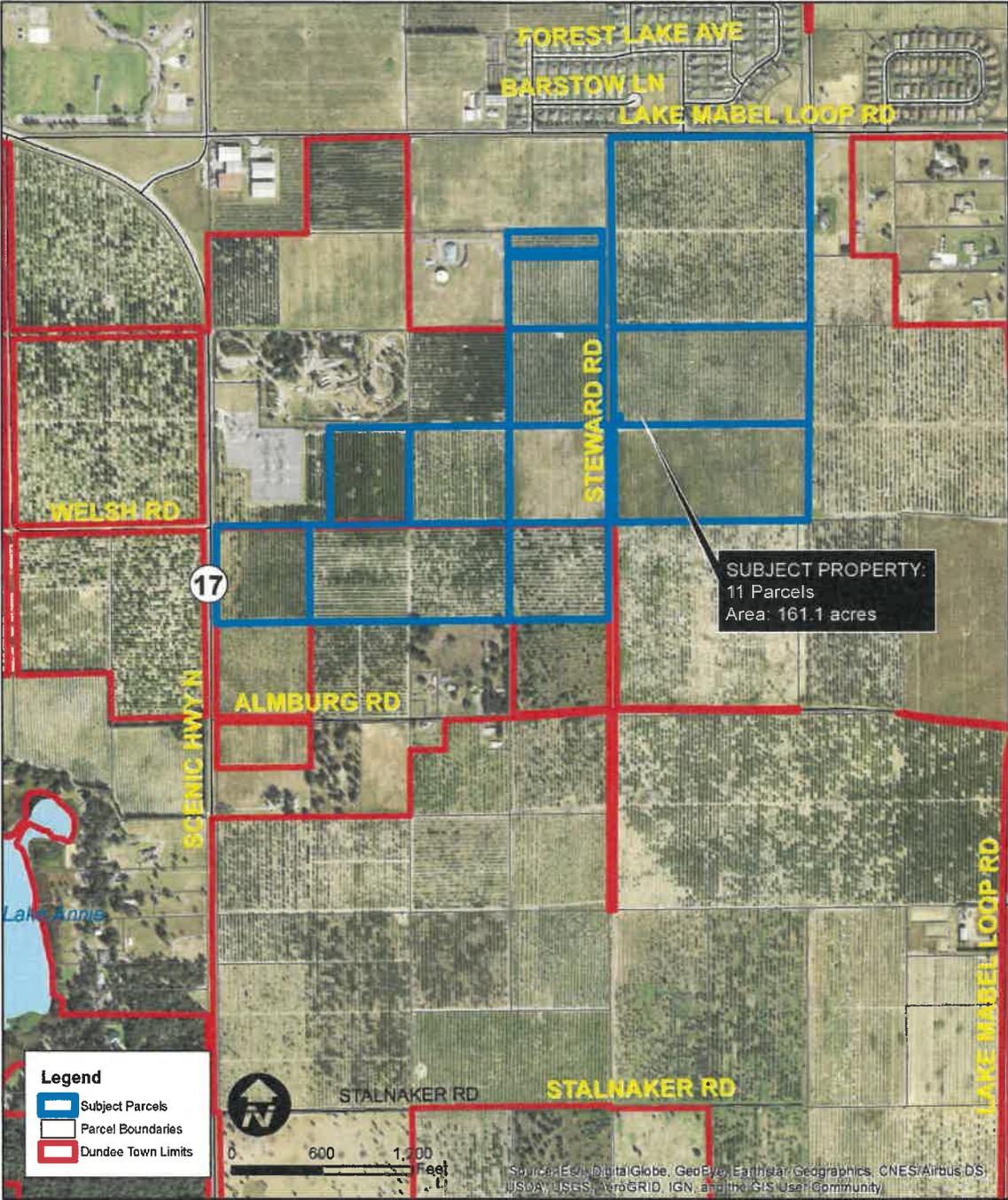
FIRST READING: ZONING

MOTION OPTIONS:

1. I move **approval of Ordinance 22-17 on first reading** to set a public hearing for second reading.
2. I move continuation of this item until a date certain.

Attachments: Aerial Map
Ordinance 22-17

**TOWN OF DUNDEE
AERIAL MAP
THAYER VALENCIA PROPERTY**



ORDINANCE NO. 22-17

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF DUNDEE, FLORIDA; SPECIFICALLY, CHANGING THE ZONING DESIGNATION FROM MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL (RSF-2) TO PLANNED UNIT DEVELOPMENT-RESIDENTIAL (PUD-R) ON APPROXIMATELY 161.1 ACRES OF LAND, LOCATED EAST OF STATE ROAD 17 (SCENIC HIGHWAY), SOUTH OF LAKE MABEL LOOP ROAD, AND NORTH OF ALMBURG ROAD FURTHER DESCRIBED AS PARCELS: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, AND 272835-000000-014010; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Thomas Thayer (the "Applicant") requests a change of zoning from Moderate Density Single Family Residential (RSF-2) and lake to Planned Unit Development-Residential on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road; and

WHEREAS, the Planned Unit Development Process (updated through Ordinance 13-09) establishes five Planned Unit Development Districts, including Planned Unit Development-Residential (PUD-R); and

WHEREAS, there has been a request for approval of amendment of a Master Development Plan for a Planned Unit Development (PUD) known as the Reserve at Dundee Lakes; and

WHEREAS, the request is consistent with the Future Land Use Element of the Dundee Comprehensive Plan; and

WHEREAS, the real property which is the subject of this Ordinance constitutes less than five percent (5%) of the municipally zoned area of the Town; and

WHEREAS, on April 21, 2021, in accordance with Section 163.3174, Florida Statutes, and applicable law, the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting considered the Applicant's request for rezoning as set forth in this Ordinance which included, but is not limited to, testimony and argument(s) from interested and/or aggrieved parties; and

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WHEREAS, on April 21, 2022, the interested and/or aggrieved parties and citizens in attendance were provided with an opportunity to be heard and present testimony to the Town's Planning and Zoning Board; and

WHEREAS, on April 21, 2022, after considering all the facts and testimony presented by the Town, interested and/or aggrieved parties, and citizens in attendance, the Town's Planning and Zoning Board voted to recommend approval of the Applicant's request for the rezoning as set forth in this Ordinance to the Town Commission; and

WHEREAS, as a result of this Ordinance being initiated by the Applicant (not the municipality), the Town Commission of the Town of Dundee held duly noticed public hearings regarding the parcel shown on Exhibit "A" in accordance with Section 166.041 (3), Florida Statutes, to provide the public an opportunity to be heard, obtain public comment, and receive and consider all written and oral testimony presented during such public hearings, including supporting documentation; and

WHEREAS, in exercise of its authority, the Town Commission of the Town of Dundee has determined it necessary to amend the Official Zoning Map to change the Town zoning classifications assigned to this property, adopt the Master Development Plan and associated conditions.

NOW, THEREFORE, be it enacted by the Town Commission of the Town of Dundee, Florida:

Section 1. The official zoning map of the Town of Dundee is amended so as to change the Town zoning classifications from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road further described as parcels: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, and 272835-000000-014010, as shown in Exhibit "A".

Section 2. All property located within the Valencia Ridge Reserve PUD property is hereby zoned Planned Unit Development-Residential (PUD-R) Zoning District and the provisions of the Land Development Code, and special conditions attached hereto shall govern further public review and development of the property within this District.

Section 3. The Master Development Plan (MDP) for this Planned Unit Development attached hereto as Exhibit "B" is approved in accordance with Article 7.09.03 of the Unified Land Development Code of the Town of Dundee for the total property known as the Valencia Ridge Reserve PUD, including development requirements attached hereto as Exhibit "C" and additional special conditions attached hereto as Exhibit "D" and made a part hereof.

Section 4. Severability. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Repealing. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. Codification. This Ordinance shall not be codified in the Code of Ordinances of the Town of Dundee, Florida. A certified copy of this enacting ordinance shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

Section 7. Administrative Correction of Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 8. Effective Date. The effective date of this ordinance shall be immediately upon passage on second reading.

INTRODUCED on first reading this 10th day of May, 2022.

PASSED on second reading this _____ day of _____, 2022.

TOWN OF DUNDEE, FLORIDA

Mayor- Sam Pennant

ATTEST:

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Town Clerk – Jenn Garcia

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

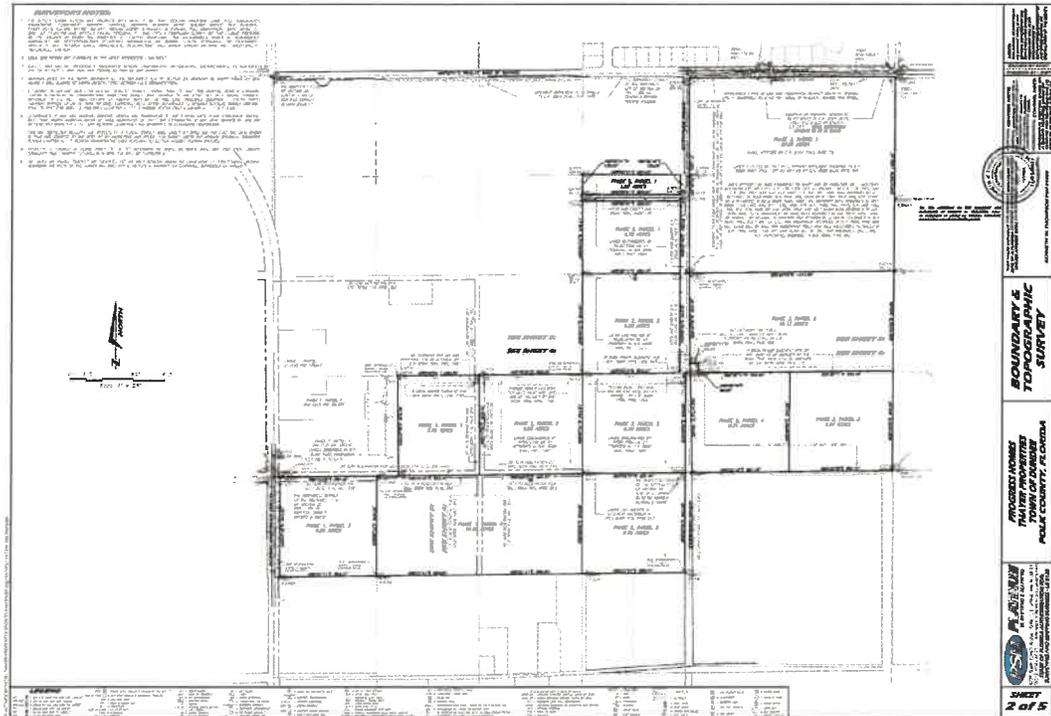
ORDINANCE NO. 22-17
Page 5

Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 1 of 6

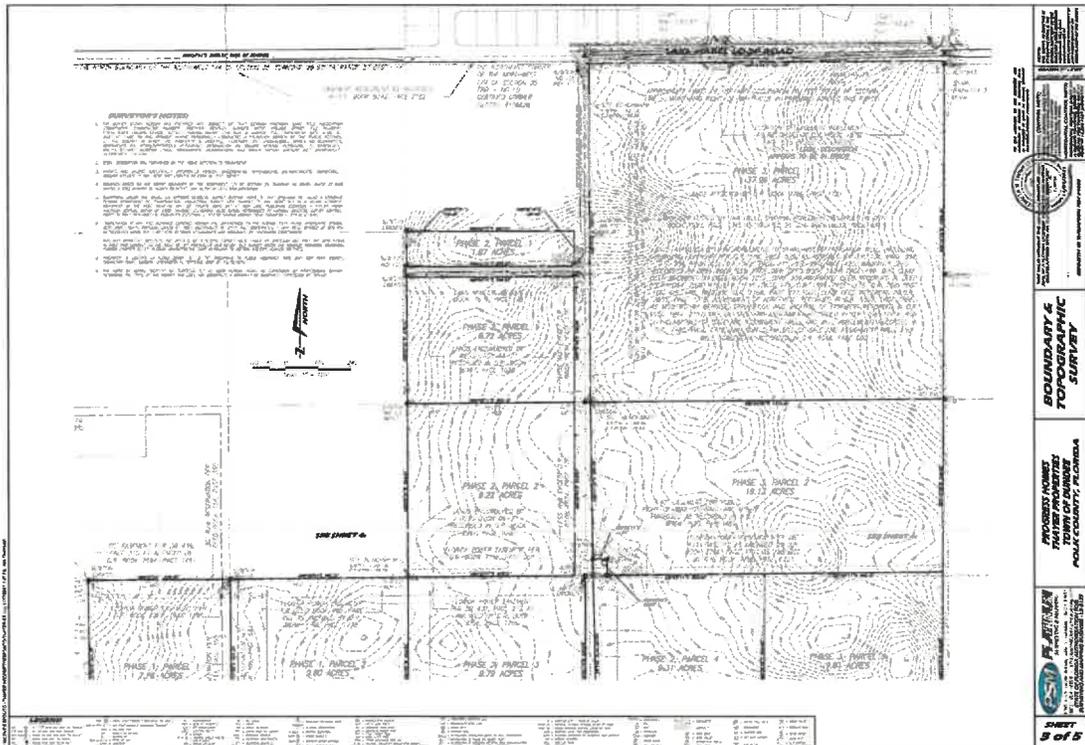
The parcels listed below and illustrated on the map on the following five pages.

Parcels 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, and 272835-000000-014010.

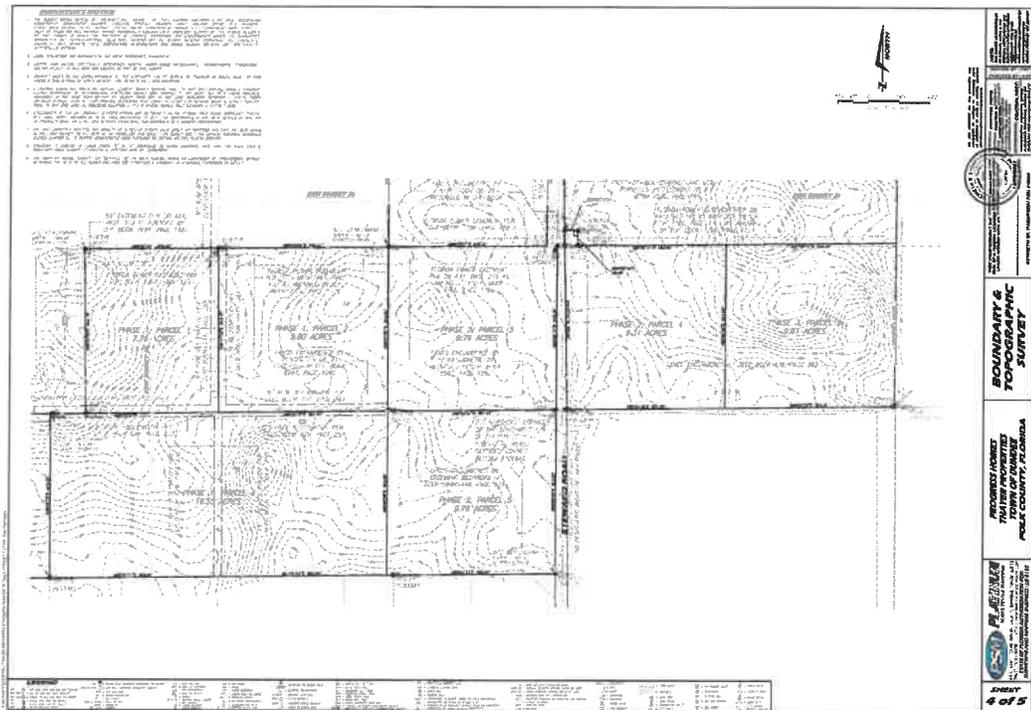
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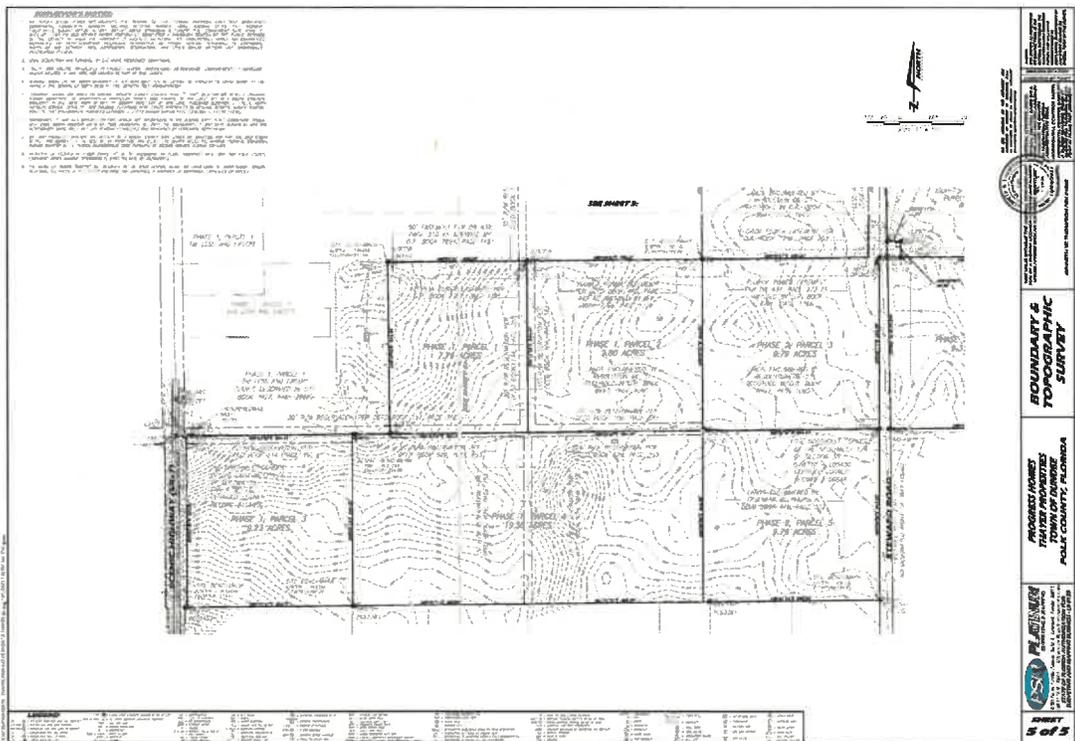
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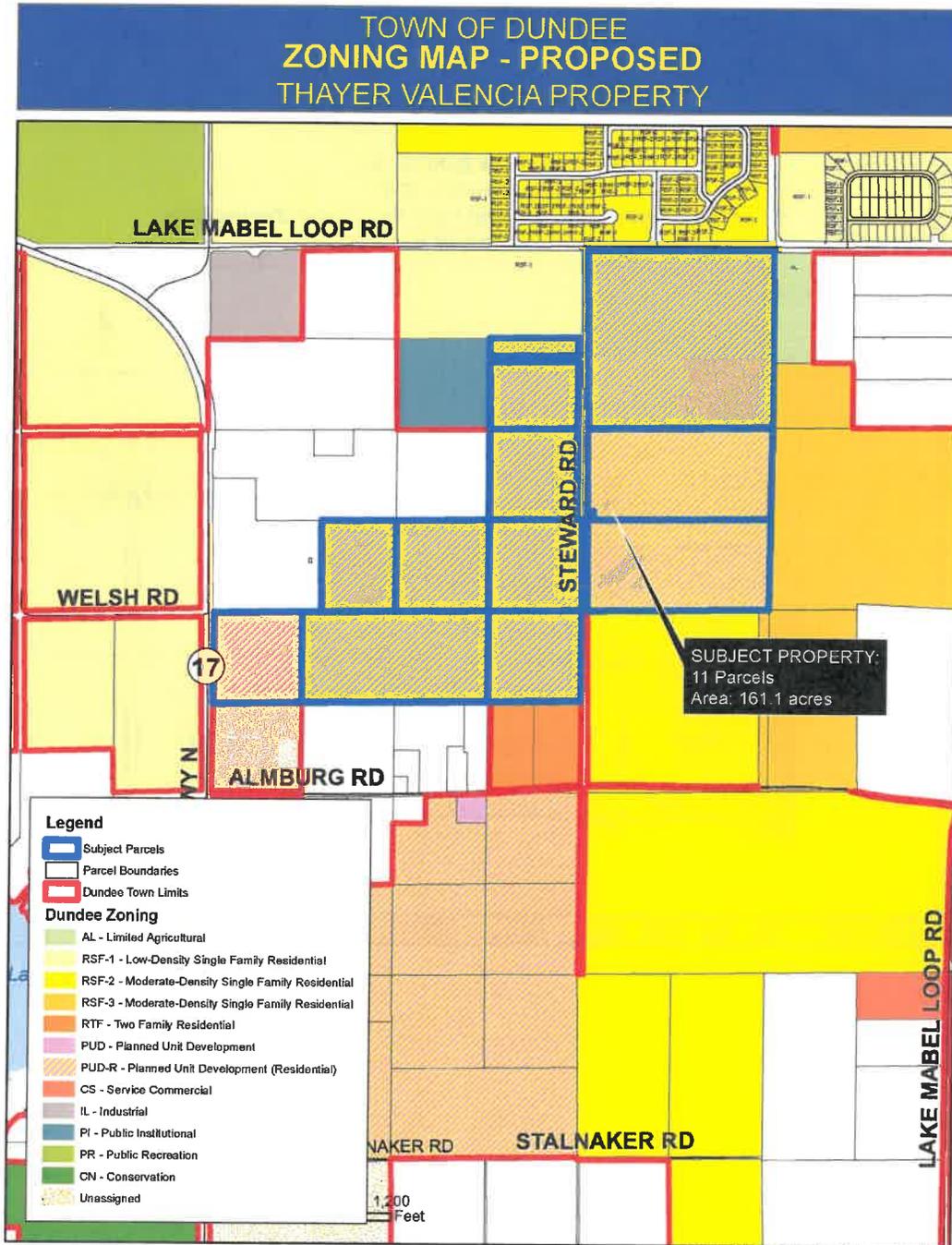
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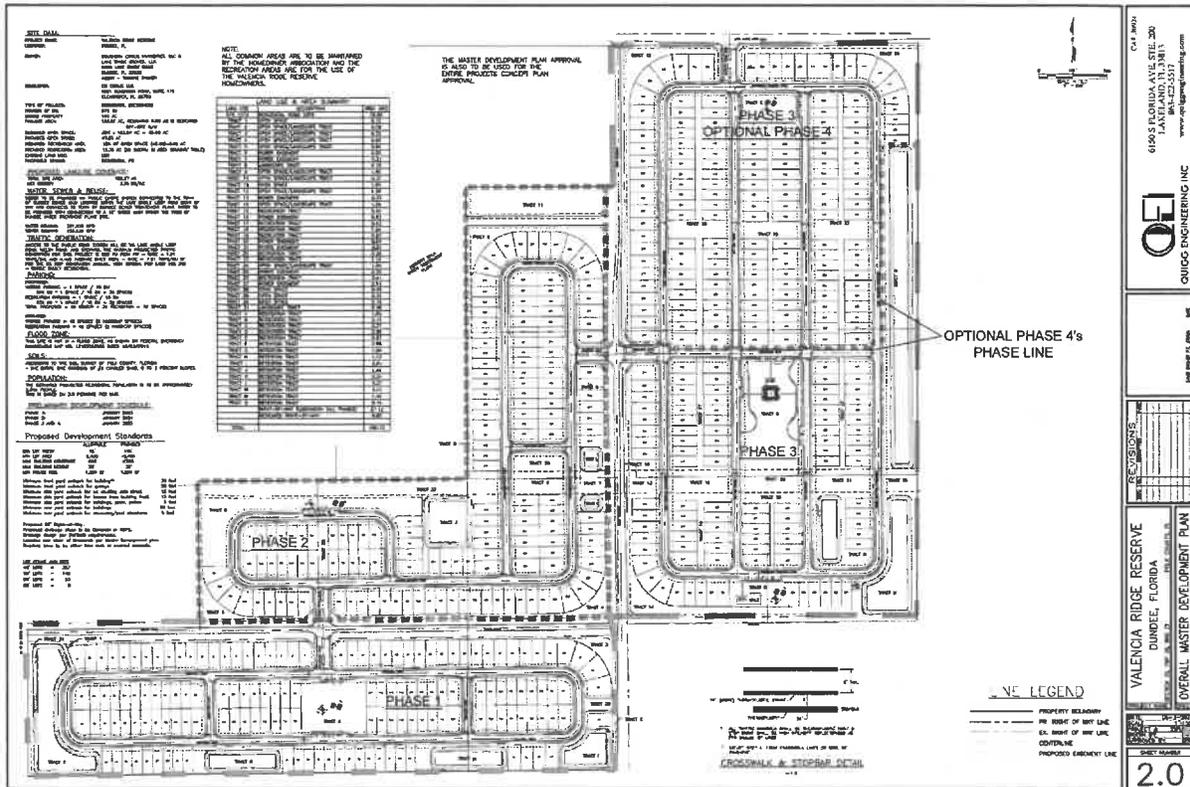
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Legal Description and Excerpt from the Official Zoning Map
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Composite Exhibit "A"
Ordinance No. 22-17
Legal Description and Excerpt from the Official Zoning Map
Page 4 of 4



Composite Exhibit "B"
Ordinance 22-17
Valencia Ridge Reserve Master Development Plan



C:\13074
 6150 S. FLORIDA AVE., SUITE 200
 DUNEDIN, FLORIDA 33511
 (813) 422-5517
 www.oie-engineering.com

OIE
ENGINEERING INC.

VALENCIA RIDGE RESERVE
 DUNEDIN, FLORIDA
 OVERALL MASTER DEVELOPMENT PLAN

2.0

**Ordinance 22-17
Exhibit "C"
Valencia Ridge Reserve PUD Development Requirements
Page 1 of 2**

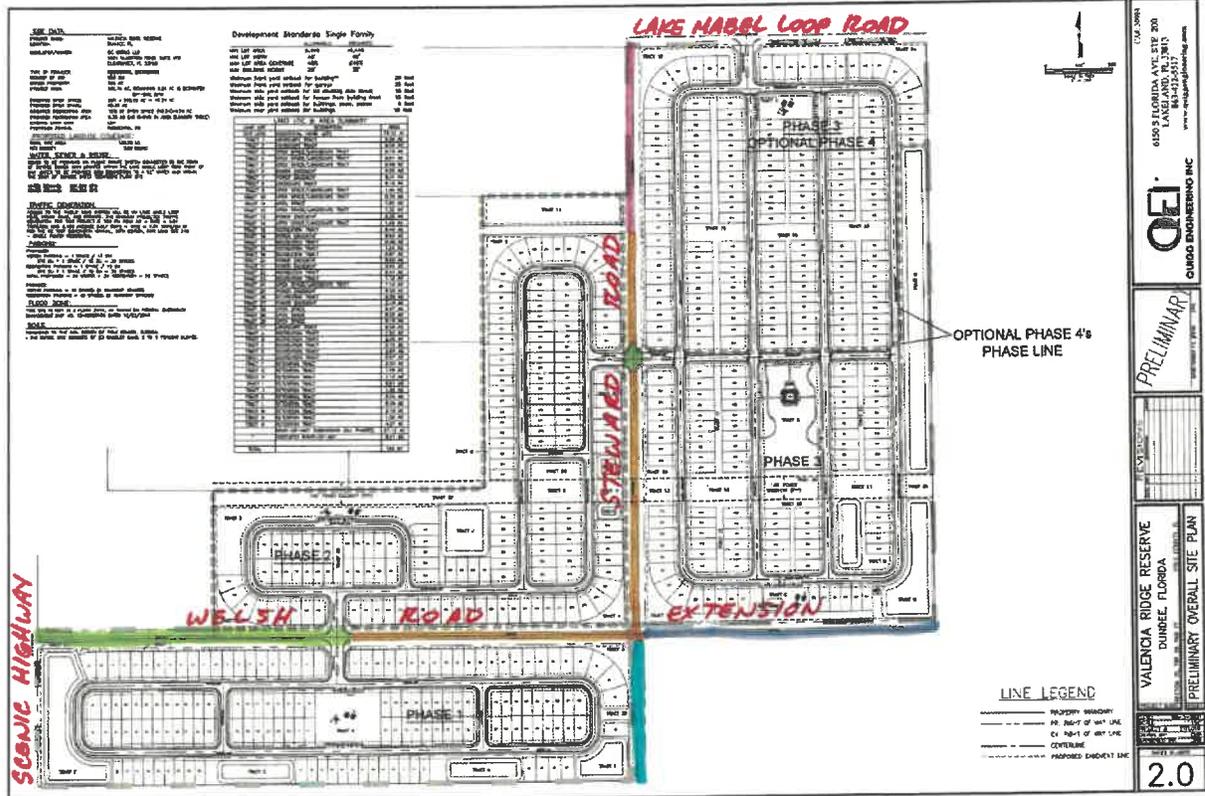
1. The Valencia Ridge Reserve Planned Unit Development shall consist of up to 576 dwelling units that meet the following requirements for single-family lots.

Lot Width	Setbacks*					Min. Lot Size	Min. Home Size	Max. Building Height	Max. Lot Coverage	Unit Mix
	Front	Garage	Rear	Side	Corner					
45'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	357
50'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	148
55'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	63
60'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	8

* Minimum side yard setback for buildings, pools, and patios is 6 feet
Minimum rear yard setback for accessory/pool structures is 5 feet

2. The Developer will complete the development in phases or neighborhoods, as generally shown on the MDP. The unit count and lot lay out of each neighborhood shall be specifically identified at site development plan for each neighborhood.
3. To avoid repetitive design, single-family homes shall not utilize the same building elevation, façade materials or color scheme within three single-family lots of each other on the same side of the street.
4. No more than half the lots in a phase shall receive a Certificate of Occupancy prior to the Developer completing the construction of each amenity center and/or active recreation facility identified in each phase.
5. All internal and perimeter roads (Lake Mabel Loop Road, Steward Road, and the Welsh Road Extension) shall be shown to have adequate rights-of-way or land shall be dedicated to meet the minimum standard and all substandard roads shall be improved as part of the development of the project.

Ordinance 22-17
 Exhibit "C"
 Valencia Ridge Reserve PUD Development Requirements
 Page 2 of 2



**Ordinance 22-17
Exhibit "D"
Valencia Ridge Reserve PUD Special Conditions**

1. The applicant/developer must make water and wastewater connections to the site.
2. The water capacity for all agricultural wells shall be dedicated to the Town of Dundee at time of development of each subdivision phase.
3. The Master Development Plan (as attached to the Ordinance) shall serve as the Concept Plan for the proposed subdivision.
4. At time of subdivision plan, the applicant must complete environmental studies, specifically related to sand skinks and gopher tortoises.
5. The subdivision will include a bus stop location for each neighborhood for school children.
6. The Developer shall be required to complete a transportation study, which is currently underway, and implement project related transportation improvements consistent with the requirements of Florida Statutes, the Town's Land Development Regulations.
7. All internal road rights-of-way shall be at a minimum 50' and shall be constructed in accordance with the requirements set forth by the Town of Dundee Unified Land Development Code.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion (United Nations 1998).

There are a number of reasons why the number of children in the world is increasing. One of the main reasons is that the number of children who are surviving to adulthood is increasing. This is due to a number of factors, including improved medical care, better nutrition, and a decrease in child mortality rates.

Another reason why the number of children in the world is increasing is that the number of children who are being born is increasing. This is due to a number of factors, including a decrease in the age at which women are having children, and an increase in the number of children who are being born to women who are already mothers.

There are a number of challenges that are associated with the increasing number of children in the world. One of the main challenges is that there are not enough resources to care for all of the children. This is particularly true in developing countries, where there is a lack of access to education, healthcare, and other basic services.

Another challenge is that there are not enough jobs for all of the children. This is particularly true in developing countries, where there is a high level of unemployment. This can lead to children being forced to work, which can have a negative impact on their health and education.

There are a number of ways that we can address these challenges. One way is to improve access to education, healthcare, and other basic services. Another way is to create more jobs for children. This can be done by supporting small businesses and providing training and education for children.

It is important that we take action to address these challenges. If we do not, the number of children in the world will continue to increase, and the lives of many children will be negatively impacted. We need to work together to find solutions that will improve the lives of all children.

There are a number of organizations that are working to address these challenges. One of the most well-known is UNICEF. UNICEF is a United Nations agency that is dedicated to the well-being of children. It provides a wide range of services, including education, healthcare, and nutrition.

Another organization that is working to address these challenges is the World Bank. The World Bank is an international financial institution that provides loans and grants to governments and other organizations. It has a number of programs that are specifically designed to help children, such as the World Bank's Child Development Grant.

There are also a number of private organizations that are working to address these challenges. One of the most well-known is the Bill & Melinda Gates Foundation. The foundation has a number of programs that are specifically designed to help children, such as the foundation's Global Health Program.

It is important that we continue to support these organizations and other organizations that are working to improve the lives of children. We need to work together to find solutions that will improve the lives of all children.

There are a number of things that we can do to help children. We can donate to organizations that are working to improve the lives of children. We can volunteer our time to help children. We can also simply be kind to children and treat them with respect. All of these things can make a difference in the lives of children.

ORDINANCE NO. 22-17

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF DUNDEE, FLORIDA; SPECIFICALLY, CHANGING THE ZONING DESIGNATION FROM MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL (RSF-2) TO PLANNED UNIT DEVELOPMENT-RESIDENTIAL (PUD-R) ON APPROXIMATELY 161.1 ACRES OF LAND, LOCATED EAST OF STATE ROAD 17 (SCENIC HIGHWAY), SOUTH OF LAKE MABEL LOOP ROAD, AND NORTH OF ALMBURG ROAD FURTHER DESCRIBED AS PARCELS: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, AND 272835-000000-014010; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Thomas Thayer (the "Applicant") requests a change of zoning from Moderate Density Single Family Residential (RSF-2) and lake to Planned Unit Development-Residential on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road; and

WHEREAS, the Planned Unit Development Process (updated through Ordinance 13-09) establishes five Planned Unit Development Districts, including Planned Unit Development-Residential (PUD-R); and

WHEREAS, the proposed Master Development Plan, which is known as the Valencia Ridge Reserve, is consistent with the Future Land Use Element of the Dundee Comprehensive Plan; and

WHEREAS, the real property which is the subject of this Ordinance constitutes less than five percent (5%) of the municipally zoned area of the Town; and

WHEREAS, on April 21, 2021, in accordance with Section 163.3174, Florida Statutes, and applicable law, the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting considered the Applicant's request for rezoning as set forth in this Ordinance which included, but is not limited to, testimony and argument(s) from interested and/or aggrieved parties; and

WHEREAS, on April 21, 2022, the interested and/or aggrieved parties and citizens in attendance were provided with an opportunity to be heard and present testimony to the Town's Planning and Zoning Board; and

WHEREAS, on April 21, 2022, after considering all the facts and testimony presented by the Town, interested and/or aggrieved parties, and citizens in attendance, the Town's Planning and Zoning Board voted to recommend approval of the Applicant's request for the rezoning as set forth in this Ordinance to the Town Commission; and

WHEREAS, as a result of this Ordinance being initiated by the Applicant (not the municipality), the Town Commission of the Town of Dundee held duly noticed public hearings regarding the parcel shown on Exhibit "A" in accordance with Section 166.041 (3), Florida Statutes, to provide the public an opportunity to be heard, obtain public comment, and receive and consider all written and oral testimony presented during such public hearings, including supporting documentation; and

WHEREAS, in exercise of its authority, the Town Commission of the Town of Dundee has determined it necessary to amend the Official Zoning Map to change the Town zoning classifications assigned to this property, adopt the Master Development Plan and associated conditions.

NOW, THEREFORE, be it enacted by the Town Commission of the Town of Dundee, Florida:

Section 1. The official zoning map of the Town of Dundee is amended so as to change the Town zoning classifications from Moderate-Density Single-Family Residential (RSF-2) and lake to Planned Unit Development-Residential (PUD-R) on approximately 161.1 acres of land, located east of State Road 17 (Scenic Highway), south of Lake Mabel Loop Road, and north of Almburg Road further described as parcels: 272835-000000-034020, 272835-000000-032040, 272835-000000-043030, 272835-000000-043010, 272835-000000-031020, 272835-000000-032010, 272835-000000-032020, 272835-000000-014020, 272835-000000-041010, 272835-000000-013000, and 272835-000000-014010, as shown in Exhibit "A".

Section 2. All property located within the Valencia Ridge Reserve PUD property is hereby zoned Planned Unit Development-Residential (PUD-R) Zoning District and the provisions of the Land Development Code, and special conditions attached hereto shall govern further public review and development of the property within this District.

Section 3. The Master Development Plan (MDP) for this Planned Unit Development attached hereto as Exhibit "B" is approved in accordance with Article 7.09.03 of the Unified Land Development Code of the Town of Dundee for the total property known as the Valencia Ridge Reserve PUD, including development requirements attached hereto as Exhibit "C" and additional special conditions attached hereto as Exhibit "D" and made a part hereof.

Section 4. Repealing. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

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Section 8. Effective Date. The effective date of this ordinance shall be immediately upon passage on second reading.

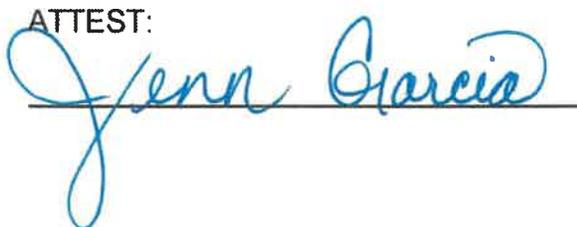
INTRODUCED on first reading this 28th day of June, 2022.

PASSED on second reading this 12th day of July, 2022.

TOWN OF DUNDEE, FLORIDA



Mayor- Sam Pennant

ATTEST:


ORDINANCE NO. 22-17

Page 4

Town Clerk – Jenn Garcia

Approved as to form:



A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal stroke at the end. The signature is positioned above a horizontal line.

Town Attorney - Frederick J. Murphy, Jr.

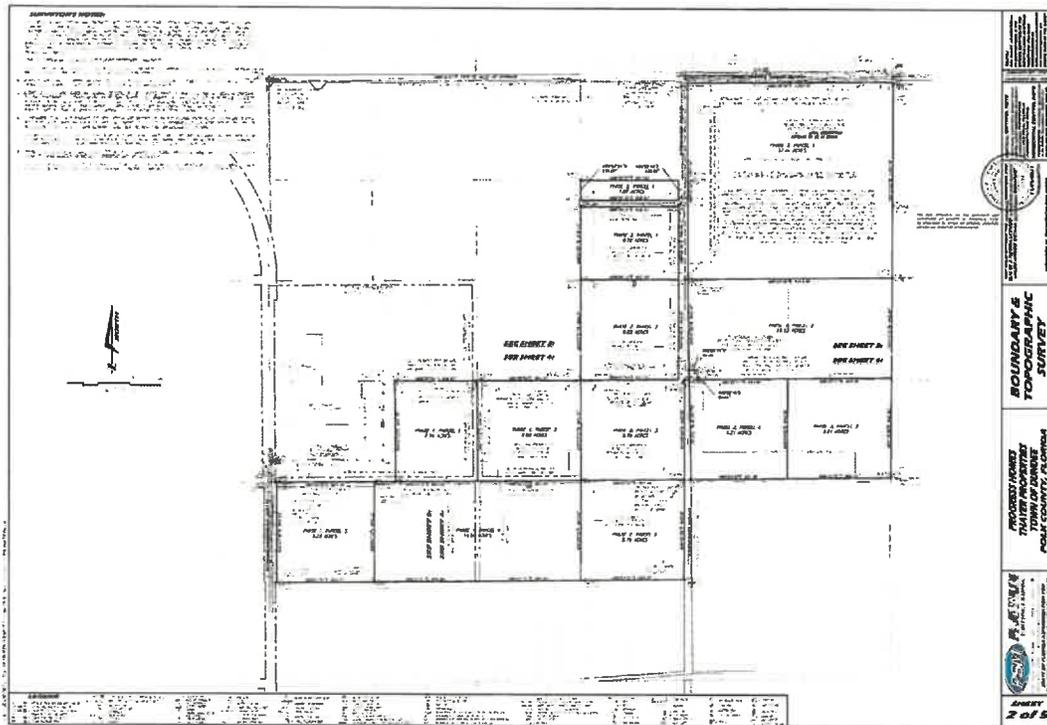
ORDINANCE NO. 22-17
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Composite Exhibit "A"
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Legal Description and Excerpt from the Official Zoning Map
Page 1 of 6

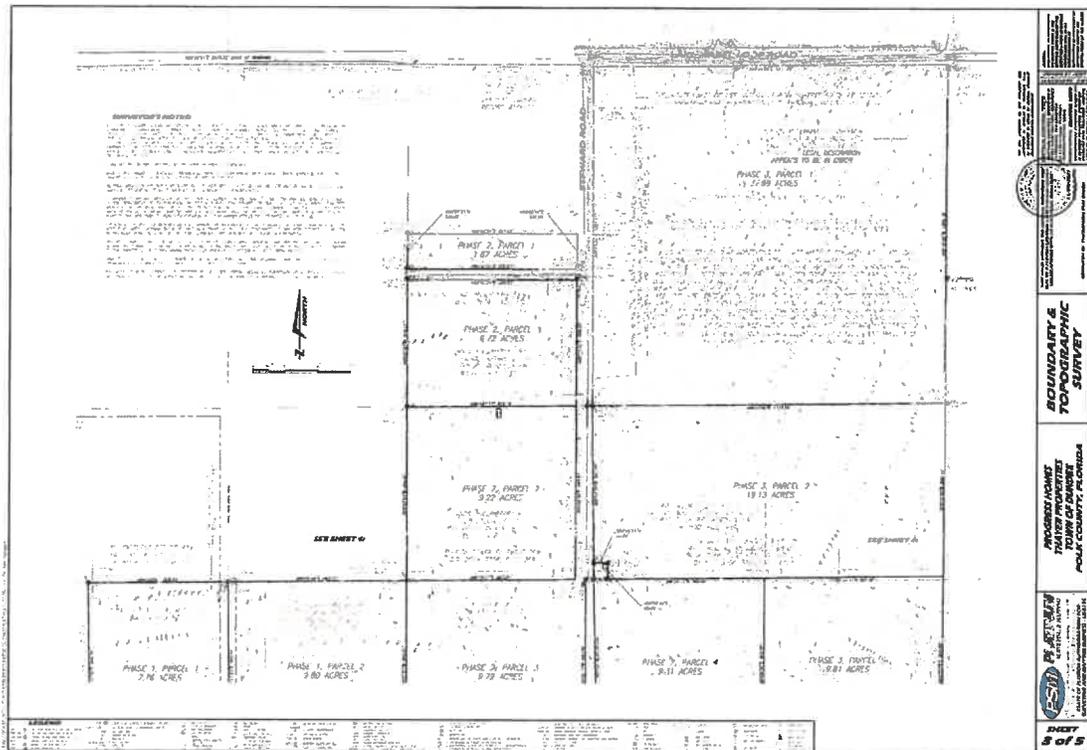
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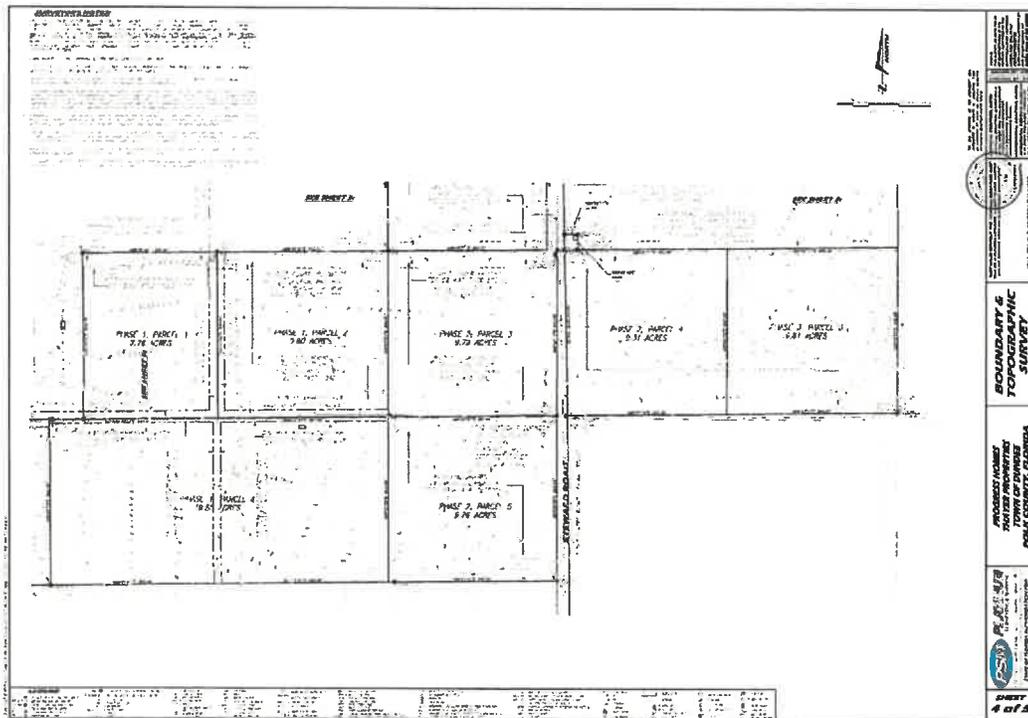
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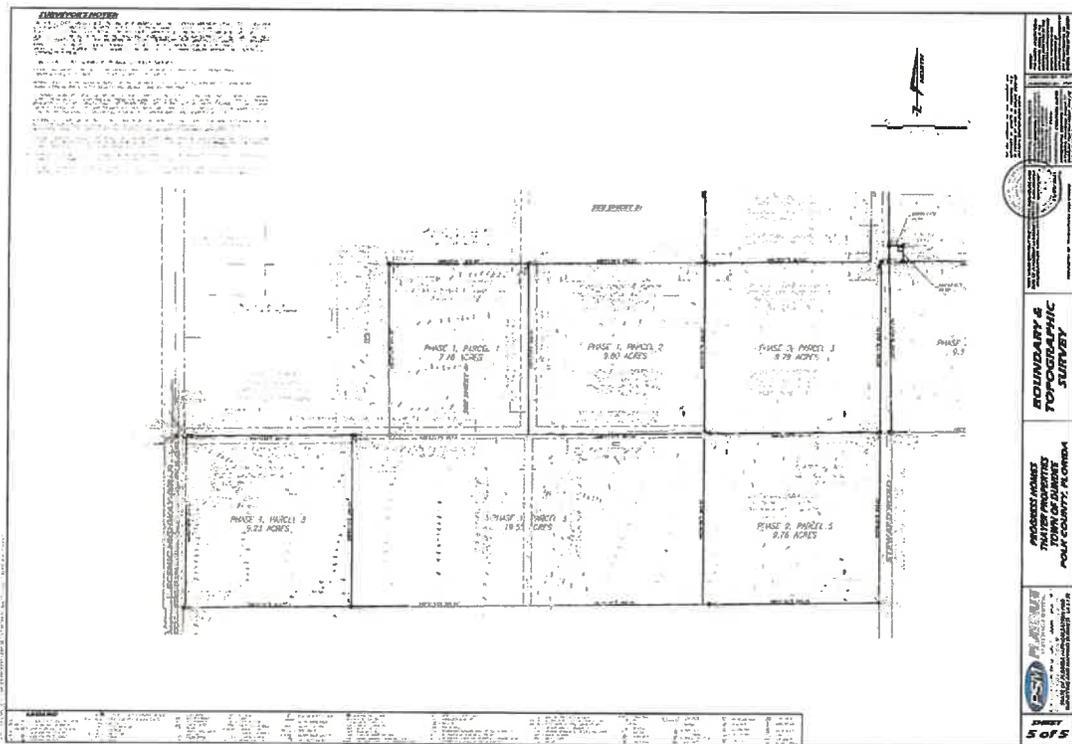
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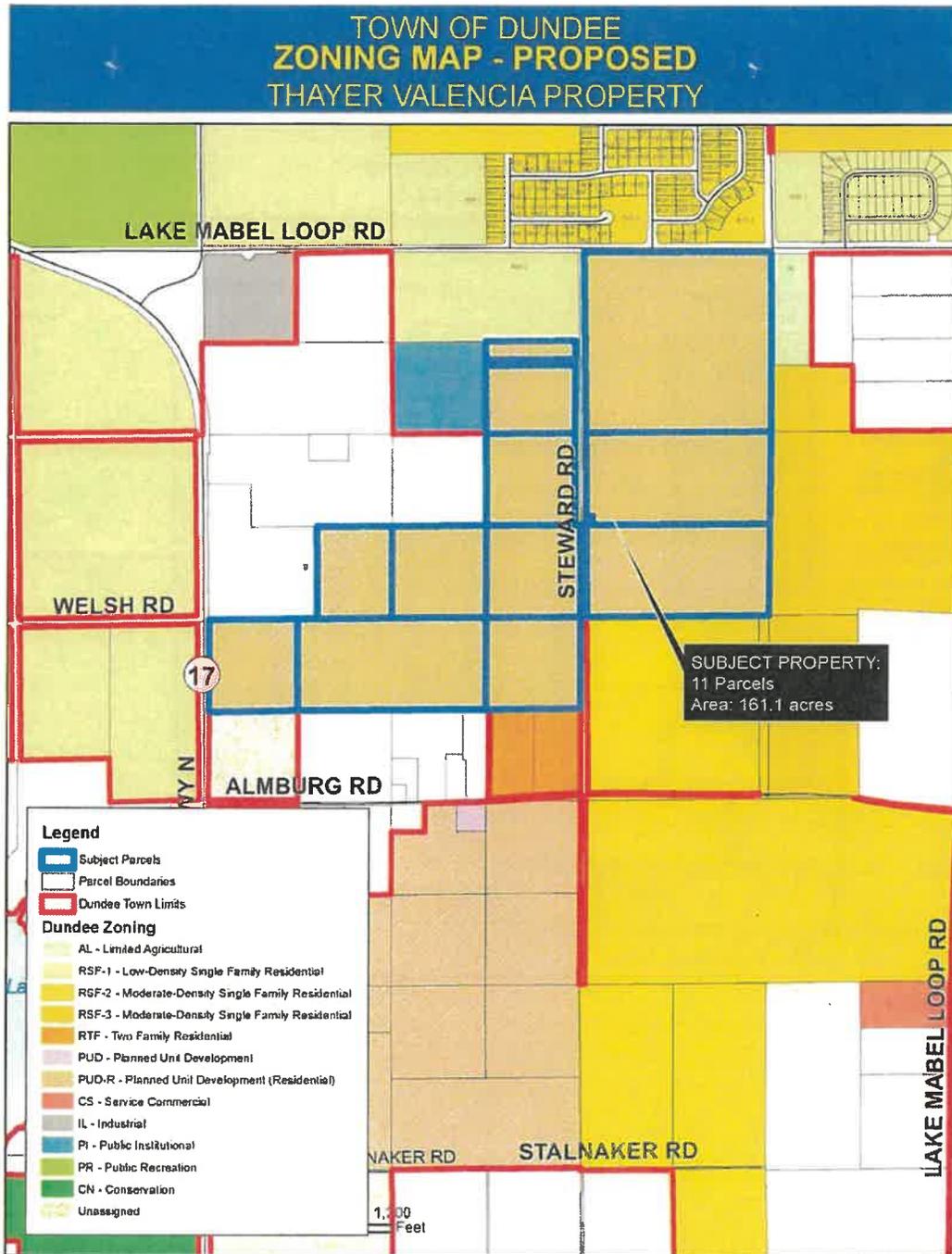
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**Ordinance 22-17
Exhibit "C"
Valencia Ridge Reserve PUD Development Requirements
Page 1 of 3**

1. The Valencia Ridge Reserve Planned Unit Development shall consist of up to 576 dwelling units that meet the following requirements for single-family lots.

Lot Width	Setbacks*					Min. Lot Size	Min. Home Size	Max. Building Height	Max. Lot Coverage	Unit Mix
	Front	Garage	Rear	Side	Corner					
45'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	357
50'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	148
55'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	63
60'	20'	25'	20'	6'	15'	5,400	1,200	35'	50%	8

* Minimum side yard setback for buildings, pools, and patios is 6 feet
Minimum rear yard setback for accessory/pool structures is 5 feet

2. The Developer has proposed a phasing of development for the Valencia Ridge Reserve Planned Unit Development (the "Development"). Pursuant to the Town of Dundee Land Development Code (the "LDC"), the Development shall be phased in order to match the availability of capacity with the timing of each phase of the Development. Pursuant to Section 7.09.00 of the LDC, the phasing of the Development, as conceptually shown by the Valencia Ridge Reserve Master Development Plan (the "MDP") which is attached to Ordinance No. 22-17 as Exhibit "B", establishes the proposed phases, neighborhoods and overall development concept.
3. Pursuant to Section 7.09.05 of the LDC, the developer shall submit a construction schedule for the Development; submit subdivision development plans for each phase of the Development; and, as part of the subdivision development plan review and approval for each phase of the Development, the specific unit count and/or lot lay out of each phase and/or neighborhood within the Development shall be specifically identified.
4. The Development shall be subject to reasonable conditions which may include, but shall not be limited to, a recordable agreement which sets forth in detail the terms and conditions under which the Town of Dundee will provide utility service(s) to the Development if, in the opinion of the Town of Dundee, such an agreement is necessary to facilitate the construction and extension of the Town's utilities. Such reasonable conditions are necessary to ensure consistency and conformance with the Town of Dundee Comprehensive Plan and compliance with the regulations and development standards set forth by the LDC.

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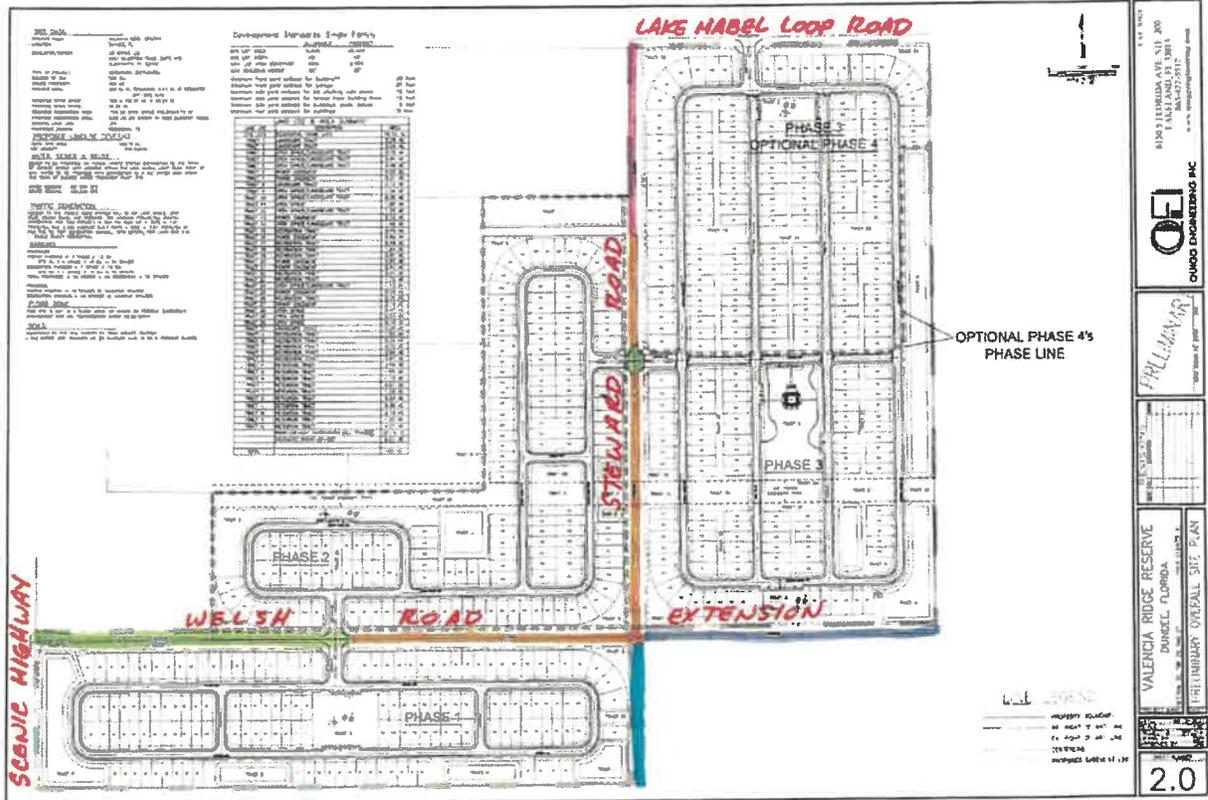
Exhibit "C"

Valencia Ridge Reserve PUD Development Requirements

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5. To avoid repetitive design, single-family homes shall not utilize the same building elevation, façade materials, or color scheme within three single-family lots of each other on the same side of the street.
6. Unless otherwise set forth in writing and agreed to by both the developer and Town of Dundee, in a recordable agreement binding upon all successors and assigns, all roads, drainage, and utility facilities needed to support all phases of the Development shall be completed and available for use prior to the issuance of any building permit(s).
7. No more than half the lots in a phase shall receive a Certificate of Occupancy prior to the Developer completing the construction of each amenity center and/or active recreation facility identified in each phase.
8. All internal and perimeter roads which includes, but shall not be limited to, Lake Mabel Loop Road, Steward Road, and the Welsh Road Extension shall be shown to have adequate rights-of-way and/or land shall be dedicated to meet the standards set forth by the Town of Dundee Land Development Code and/or Code of Ordinances; and all substandard roads shall be completed, inspected, approved and accepted in a manner as determined by the Town as part of the development of the project.

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Exhibit "C"
Valencia Ridge Reserve PUD Development Requirements
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**Ordinance 22-17
Exhibit "D"
Valencia Ridge Reserve PUD Special Conditions**

1. The applicant/developer shall pay all costs associated with constructing the utility system extension(s) necessary to connect to and obtain water and wastewater service to the site. The completed improvements shall be completed, inspected, approved and accepted in a manner as determined by the Town.
2. All agricultural wells and associated water capacity shall be dedicated and/or conveyed to the Town of Dundee at the time development commences for each phase of the Development. The developer shall cooperate with the Town regarding any related regulatory approvals required by such a dedication and/or conveyance. In the event the Town receives a credit towards its WUP for the closure of said agricultural well(s), the Town and developer shall enter into a separate written agreement for the reservation of capacity commensurate with, but not to exceed, the amount of said credit received by the Town.
3. The MDP (see Exhibit "B" attached to the Ordinance) shall serve as the Concept Plan for the proposed subdivision. Upon approval of the MDP, the developer shall have twelve (12) months to begin construction of the required improvements. If construction does not commence within the initial twelve (12) month time period provided, the developer may request an extension for an additional six (6) months by providing written notice to the Development Director no later than thirty (30) days prior to the expiration the initial twelve (12) month time period. In the event the developer has attempted in good faith to commence construction activity(ies) and, due to circumstances beyond its control, construction activity(ies) related to the required improvements have not commenced within time period(s) provided for in this Paragraph, the developer may request and the Development Director may, in his or her sole discretion, grant an additional six (6) month extension of time. If the time set forth herein lapses, the MDP shall become subject to any changes in the Town's rules and/or regulations.
4. Any approval of the MDP, concept plan, preliminary subdivision plan, certified subdivision plan, and/or the Town's acceptance of an application for final plat or final site development plan approval shall not create any reservation of capacity or network capacity, shall not constitute a commitment on behalf of the Town to provide service(s), shall not constitute an acceptance of improvements or dedications, and shall not constitute an approval of the final site development plan.
5. At time of Preliminary Subdivision Plan, the applicant shall complete environmental studies which include, but shall not be limited to, studies specifically related to sand skinks and gopher tortoises.

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6. The Development shall include appropriate and compliant bus stop location(s) for each phase and/or neighborhood for school children.
7. Pursuant to Section 7.09.01(D)(5) of the LDC, the developer shall be required to complete a transportation analysis/study; and, for each successive phase of the Development, the developer shall be required to update the transportation analysis/study as determined by the Town. The developer shall implement project related transportation improvements consistent with the requirements of Florida Statutes, the LDC, and/or any other applicable laws, ordinances, and Town established adequacy determinations.
8. Subject to applicable Florida law and the LDC, the developer and Town may enter into an agreement in order to ensure: (i) the performance of the conditions set forth herein; (ii) the necessary public facilities and services will be in place with the impacts of each phase of the development; and (iii) the necessary improvements proportional to the share of additional capacity resulting from the development are constructed and funded.
9. All internal road rights-of-way shall be at a minimum 50' and shall be constructed in accordance with the requirements set forth by the LDC and/or any other applicable code and/or standards as determined by the Town.
10. In addition to any requirement set forth by the LDCs, Final Subdivision Plat approval shall be contingent upon the developer (a) filing with the Department of State the bylaws and articles of incorporation for the applicable Homeowners Association; (b) when the construction of the necessary infrastructure and/or improvements are not complete and accepted by the Town, a developer's agreement or development agreement has been approved by the Town Commission, executed by the parties, and recorded in the public records in and for Polk County, Florida; and (c) when approved by the Town, the developer has provided the Town with adequate performance security and adequate defect security pursuant to the terms and provisions of a developer's agreement or development agreement.
11. For purposes of this Ordinance, "adequate performance security" and "adequate defect security" shall mean, at a minimum, as follows:
 - (a) *Adequate performance security* shall be satisfactory in form to the Town Attorney and the Town Engineer and the Town's planning staff and be in an amount equal to one hundred and twenty-five (125%) percent of the developer's contract for the work that remains uncompleted and not accepted at the time of final plat or final site development plan approval, as certified in writing by the engineer of record, subject to the approval by the Town's planning staff and the Town Engineer. No more than fifty percent (50%) of the value of the total required improvements for each phase of the Development shall be considered for bonding and/or letter of credit given hereunder. Subject to the terms of the applicable agreement,

the performance security shall be released by the Town when all private improvements are installed, inspected and approved and when all public improvements are installed, inspected and accepted. When providing a bond for performance security, the bonding company shall have a B+ or better rating in accordance with "Best Bond Book." In the case of a letter of credit, provisions for drawdowns from the letter of credit as improvements are completed and accepted shall accompany the surety. The letter of credit shall have a duration of twenty-four (24) months; and

- (b) *Adequate defect security* shall warrant and guarantee the materials and workmanship of all infrastructure and infrastructure improvements within the Development that are dedicated to the public, including streets, curb and gutter, sidewalks, potable water distribution system, sanitary sewer collection and transmission system, reclaimed water system and stormwater management system. This guarantee shall be for an amount equal to ten (10) percent (%) of the actual construction costs of improvements and/or other adequate written assurances which are set forth in an applicable developer's agreement or development agreement for the purpose of correcting any construction, design or material defects or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such securities shall be subject to the approval of the Town Attorney. The effective period for such security shall be one (1) year and thirty (30) days following the Town's acceptance of the installed improvements. Upon default, the Town may exercise its rights under the security instrument, upon ten (10) days' written notice by certified mail to the parties to the instrument or as otherwise set forth in an applicable agreement.
12. No lot may be sold by the developer until all contingencies have been fulfilled. Upon recordation of the final plat or final site development plan, the developer may submit application(s) for building permits.

