

**THE GROVE AT WESLEY CHAPEL
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6845**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted by the applicants for review and approved by the Board of County Commissioners unless otherwise stipulated or modified herein.

Open Space/Buffering

2. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency; i.e., the Southwest Florida Water Management District, the Florida Department of Environmental Protection, or the Army Corps of Engineers. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
3. There shall be a buffer around all wetlands with an average width of 25 feet, but no less than 15 feet wide, unless otherwise accepted by the Southwest Florida Water Management District. The proposed upland buffer area shall be shown on the construction plans/construction site plans. The final upland buffer area as required by the Southwest Florida Water Management District shall be designated on the plat as "upland buffer as required and defined by the Southwest Florida Water Management District." Permissible uses of the upland buffer area shall be those uses allowed by the Southwest Florida Water Management District.
4. All wetlands shall be platted as tracts and designated on the plat as "conservation areas." Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District/merchants' association. The homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the conservation areas.
5. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:

Prior to construction plan/construction site plan approval, the developers shall submit to the Development Review Division a copy of the Environmental Resource Permit Application as submitted to the Southwest Florida Water Management District. Prior to issuance of the Site Development Permit, the developers shall submit a copy of the Environmental Resource Permit.
6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the Florida Fish and Wildlife Conservation Commission to the Development Review Division.
7. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County. Although no archaeological sites eligible for the National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."
8. The developers shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the Board of County Commissioners, a Community Development District that

encompasses the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developers shall convey in fee simple to the association or the Community Development District, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the Community Development District if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or Community Development District documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the Community Development District. Impact fee credits for improvements or dedications shall go to the association or the Community Development District which funded such improvements as applicable.

For the nonresidential portions of the MPUD Master Planned Unit Development as an alternative to the foregoing, the developers may record a Declaration of Covenants, Conditions, and Restrictions; Reciprocal Easements Agreement; or Operation and Easement Agreement in a form acceptable to the County, which provides for the required maintenance of all open spaces, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special-purpose areas which are not otherwise required to be dedicated to a governmental entity. The declaration, Reciprocal Easements Agreement, or Operation and Easement Agreement as approved by the County shall be recorded prior to the issuance of the first Certificate of Occupancy for any building in the nonresidential area of the MPUD Master Planned Unit Development.

Ordinances

9. In addition to the MPUD Master Planned Unit Development conditions of approval, the developers shall comply with all Pasco County ordinances, including all impact fee ordinances.
10. In the event ordinances/resolutions are subsequently adopted by the Board of County Commissioners including, but not limited to, solid waste, public safety, or wildlife ordinances, the owners/developers shall be required to comply with such ordinances/resolutions.

Transportation/Circulation

Access Management

11. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the Development Review Division and the Emergency Services Department.
12. At each preliminary plan/preliminary site plan approval, the Development Review Committee may also require further intersection improvements along site-access intersection improvements or site-access roadway improvements.
13. Access to any commercial out-parcels shall be provided from internal drives or parking areas unless otherwise approved at preliminary plan/preliminary site plan review and approval.
14. All new access points shown on the master plan are not approved. The developers are required to submit a revised roadway alignment plan for approval. All new accesses shall meet access-management criteria.
15. Any entrance gates allowed shall be sufficiently set back in order to provide vehicular stacking for a minimum of three vehicles unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key, electronically coded systems, and any gates replaced in the future shall be equipped with a system approved by the Emergency Services Director prior to construction plan approval to allow fire and other emergency vehicles immediate access to the development. In addition, the access-lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.
16. Prior to approval of the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developers shall provide a Letter of Credit acceptable to Pasco County for 125 percent of the cost of the signalization at locations as indicated in the

development order and Development Agreement. Prior to approval of the last record plat, or anytime at the County's request, the developers shall pay for and perform a signal warrant study. If warranted, the developers shall pay for the proportionate-share cost of signalization.

Dedication of Right-of-Way

17. Public roadways shall be required unless otherwise approved by the Development Review Committee prior to the first preliminary plan/preliminary site plan approval.
18. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.

Design/Construction Specifications

19. Alternative roadway-design standards may be considered and approved by the Development Review Committee at the time of each preliminary plan/preliminary site plan approval.
20. Prior to or concurrent with the first preliminary plan/preliminary site plan submittal, the developers shall submit a roadway alignment and construction phasing plan to the Growth Management Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, and internal and external access points. Approval of this plan must be obtained from the Development Review Committee prior to the first preliminary plan/preliminary site plan approval. The County shall reserve the right to require specific dates or deadlines for completion of construction for any portion of these roads and intersections as well as the number, type, and location of access points. At each preliminary plan/preliminary site plan approval, the Development Review Committee may also require further site-access intersection improvements or site-access roadway improvements.
21. The developers shall comply with the County and Pasco County Public Transportation requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or Pasco County Public Transportation. The developers shall submit a revised detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the Development Review Committee's approval prior to or concurrent with the preliminary plan/preliminary site plan submittal of the next unit or phase within the development. Approval of the revised detailed description of the overall transit-accommodations plan is subject to Pasco County Public Transportation review and approval in accordance with the Pasco County Public Transportation Transit Infrastructure Guidelines (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developers shall include and show on any preliminary plan/preliminary site plan submittal the Development Review Committee approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan, unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicants/developers and their successors shall not refuse the Pasco County Public Transportation, or any other transit authority, or any of its users/patrons access to such facilities.
22. The developers may submit an overall pedestrian/bike path plan to the Growth Management Department for the Development Review Committee approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County Land Development Code as amended or an alternative method acceptable to the Development Review Committee and in compliance with the handicapped provisions of Chapter 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the Land Development Code is required.

Health Care/Police/Fire

23. The applicants/developers shall review the concepts of "fire safe communities" as provided by the Division of Forestry, Florida Department of Agriculture and Consumer Services, and implement all appropriate measures.
24. The applicants/developers shall coordinate with the Pasco County Sheriff's Office prior to construction to incorporate reasonable security features throughout the project.

Utilities: Drainage, Water Service, Wastewater Disposal

25. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the Development Review Division.
26. Finished floor elevations for all habitable structures shall be at or above the 100-year floodplain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.
27. A revised Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of future construction plan/construction site plans. This utility plan shall minimally show the following:
 - a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and nonpotable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
 - d. Method of lighting for all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developers and the County shall enter into a Utilities Service Agreement.
28. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
29. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developers/owners and its successors and assigns, agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water, as set forth in Section 3.19 of the Interlocal Agreement creating Tampa Bay Water, the developers/owners shall transfer to Pasco County, for temporary use during such production failure or shortfall, any and all Water Use Permits or water-use rights the developers/owners may have to use or consume surface or ground water within Pasco County.
 - b. Prior to the developers/owners selling water, Water Use Permits, or water-use rights, the developers/owners shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

30. Design standards and uses shall be in accordance with the following:
 - a. Multifamily development shall comply with Land Development Code, Section 520, MF-3 Multiple Family District, as amended.
 - b. Office shall comply with Land Development Code, Section 526, C-2 General Commercial District standards, as amended and comply with PO-1 uses.
 - c. Retail shall comply with Land Development Code, Section 526, C-2 General Commercial District, as amended.
 - d. Development shall be as follows unless otherwise allowed by the approved Land Use Equivalency Matrix established in The Grove at Wesley Chapel Development Order.
 - (1) Multifamily residential: 300 dwelling units.
 - (2) Commercial: 761,295 square feet (maximum of 835,000 square feet optional per the Land Use Equivalency Matrix).

- (3) Office: 175,000 square feet of gross floor area (optional per the Land Use Equivalency Matrix).
 - (4) Movie Theater Seats: 2,738 seats (maximum of 3,285 seats optional per the Land Use Equivalency Matrix).
 - (5) Hotel: 110 rooms (maximum of 150 rooms optional per the Land Use Equivalency Matrix).
- e. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
 - f. The portions of the property are currently utilized for agricultural activities. It is understood that while the use will cease when the Development of Regional Impact is built out, portions of the property may continue to be used for agricultural activities until the property is developed in accordance with this MPUD Master Planned Unit Development and with the associated development order, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use.
31. The Grove at Wesley Chapel Development of Regional Impact Development Order provides for a land use exchange mechanism to allow an exchange of land development uses, density, and intensity within the boundaries of the project. Any land use tradeoff or exchange approved by the County in conjunction with the said land use exchange mechanism as outlined in The Grove at Wesley Chapel Development of Regional Impact Development Order, shall be submitted as an MPUD Master Planned Unit Development amendment pursuant to the Land Development Code, Section 522, and shall include a revised MPUD Master Planned Unit Development Master Development Plan prior to preliminary plan/preliminary site plan approval of the affected area.
 32. Minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width may require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
 33. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
 34. The developers shall submit and obtain Board of County Commissioners approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment prior to any preliminary plan/preliminary site plan approval within such increment.
 35. Any proposed increase in density/intensity that results in an overall increase greater than or equal to five percent cumulatively, or a change in overall design and/or content occurs, a substantial amendment shall be presumed. Additionally, should the proposed amendment result in an increase in density/intensity which necessitates a revised traffic study, then the request shall be presumed to be substantial.
 36. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the Board of County Commissioners.
 37. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

Procedures

38. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
39. The developers shall submit biannually to the Growth Management Department documentation indicating the cumulative number of Certificates of Occupancy issued and the total number of platted lots for the project.
40. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction plan/construction site plan approval. The maximum density and intensity of each

increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased construction site plan approval.

- 41. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan approval, and/or record plat approval.
- 42. Development shall occur in accordance with the Land Development Code, Section 402, Concurrency Management System.
- 43. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County.
- 44. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department.
- 45. All conditions of this MPUD Master Planned Unit Development approval are material to the Board of County Commissioners approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD Master Planned Unit Development approval shall be suspended until such time that the Board of County Commissioners modifies the MPUD Master Planned Unit Development conditions of approval to address the illegal or invalid provision. However, such determination shall not affect the validity of 1) MPUD Master Planned Unit Development entitlements that have received plat, Building Permit, or Certificate of Occupancy approval; or 2) any MPUD Master Planned Unit Development mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for Board of County Commissioners approved modifications to the MPUD Master Planned Unit Development or the MPUD Master Planned Unit Development conditions of approval shall not be considered challenges and decisions by the Board of County Commissioners regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD Master Planned Unit Development approval under any circumstances.

OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

The owners/developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

(Date)

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared owners/developers, to me known to be the persons described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____,
County, Florida, the day and year aforesaid.

My commission expires:

(Date) Notary Public, State of _____ at Large