

**PASCO COMMERCE CENTER  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6849**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted on October 17, 2008, and July 13, 2009, unless otherwise stipulated or modified herein.

**Instructions**

2. The developer shall submit, within 45 days of the Board of County Commissioners (BCC) approval, or prior to the first preliminary plan/preliminary site plan submittal, whichever occurs first, 20 sets of the revised MPUD Master Planned Unit Development Plan to the Zoning/Code Compliance Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions. Without the submittal and approval of revised MPUD Master Planned Unit Development plans, preliminary plans/preliminary site plans will not be accepted for review.
  - a. Revise master plan to remove Note No. 10.
  - b. Revise master plan to remove the last sentence from Note No. 11.
  - c. Revise master plan Note No. 3 to identify "gross M" for superficial Note No. 2.
  - d. Revise master plan to remove "Proposed location of 5' Type. . . ." from around the boundary of the master plan depiction.

**Open Space/Buffering**

3. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Lot lines shall not encroach into the wetlands and wetland buffers. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 1.3.6, 1.3.8, and 1.3.11; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code (LDC) density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
4. There shall be a buffer around all Category I wetlands of 25 feet, not inclusive of any lots. Wetland buffers around Category II and Category III wetlands shall be required in accordance with the Southwest Florida Water Management District (SWFWMD) or other regulatory agencies and shall not be inclusive of any lots. The proposed upland buffer area shall be shown on the construction plans/construction site plans. The final upland buffer area, as required by the SWFWMD or other regulatory agencies, shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by SWFWMD or other regulatory agencies.
5. All wetlands and wetland buffers shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands and wetland buffers shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' buffer line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. The homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
6. The developer has submitted an environmental/habitat study which has been reviewed on October 29, 2008, by County staff and the following condition shall apply:

Prior to construction plan/construction site plan approval, the developer shall submit to the Zoning and Site Development Department a copy of the Environmental Resource Permit

Application as submitted to the SWFWMD. Prior to the issuance of the Site Development Permit, the developer shall submit to the DRD a copy of the Environmental Resource Permit.

7. The developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on December 17, 2008. 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 developer shall create a mandatory property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developer shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. 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, property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association, CDD, or other entity that funded such improvements as applicable.

### Ordinances

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

### Transportation/Circulation

#### Access Management

11. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the LDC as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
12. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the owner/developer shall furnish to the Zoning and Site Development Department a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT) if applicable. Prior to the issuance of the first Certificate of Occupancy (CO), the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to their satisfaction.
13. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further site specific intersection improvements. Intersection improvements shall be determined in accordance with the LDC and Access Management Standards as amended.
14. With the exception of the upland area within Pod A, east of the approximately 19.69-acre ± Class II wetland area, access to any commercial out-parcels shall be provided from internal drives or parking areas.
15. The access points shown on the master plan are conceptual only and are subject to change during the preliminary plan/preliminary site plan review. All accesses shall meet access-management criteria.

16. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

#### Dedication of Right-of-Way

17. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to, or concurrent with, each 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.
19. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
20. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County a total of 135 feet of right-of-way for Pasco Road (Table 7-4, Pasco County Corridor Preservation Table as amended, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

#### Design/Construction Specifications

21. Interconnections shall not be required to abutting properties to the south and east of Pod B. The location of the interconnect from Pod B to the north shall be located as far east of Pasco Road as practical, and provided that the appropriate permits that may be required by other agencies are obtainable. For all remaining required interconnects, prior to preliminary plan/preliminary site plan submittal, the developer shall supply evidence that it has coordinated with the owner(s) or developer(s) and engineer(s)/surveyor(s) of the adjoining parcel to the north of Pod B, and to the south and north of Pod A, to identify and provide the location of any required interconnecting roadway. The following information shall be shown on all preliminary plans/preliminary site plans and construction plans/construction site plans that include or abut the interconnecting roadway: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent bearing/curve geometry) to provide a seamless continuation of this road at property lines.
22. No excavation within the area of future lanes of multilane facilities will be allowed with the exception of excavation for drainage structures, permitted removal of wetlands, excavation to match existing grade, or as directed by the Engineering Services Director.
23. If developed as a subdivision project, the roadway for that portion located in Pod A directly adjacent to the western property boundary for approximately 820 feet, has been approved through an alternative roadway-design standard request to have a reduced right-of-way of 45 feet for a Type 2 roadway, and to provide a five-foot meandering sidewalk on one side of the roadway as depicted in Exhibit No. 3. Any further alternative roadway-design standards shall be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
24. The project has been granted a limited exemption under the LDC, Section 402.7, and will pay transportation impact fees in accordance with the approved impact fee schedule in lieu of any proportionate share payment, as long as the project is developed in accordance with the applicable requirements of an EC-MPUD Employment Center Master Planned Unit Development, as set forth in LDC, Section 522.8, and as approved within these conditions of approval and related MPUD Master Planned Unit Development Plan. The amount of limited exemption is restricted to; 40,000 square feet for Business Park, 480,000 square feet for Light Industrial, 200,000 square feet for Manufacturing, and 200,000 square feet for Warehousing, except as otherwise approved by the County Administrator or the BCC. The applicant/developer has submitted and Pasco County has accepted a Traffic Impact Study (TIS) and substandard road analysis in accordance with Resolution No. 07-53 (and any subsequent amendments) Such TIS, substandard road analysis and mitigation has been identified and is based on the entitlements identified in the TIS.
25. The developer has submitted a traffic study that was reviewed by the staff of the county. Prior to approval of the first record plat, or where platting is not required, prior to the issuance of the first Building Permit, the developer shall construct the following site-access improvements:

- (1) Prior to approval of the first preliminary plan/preliminary site plan, a detailed access management plan/assessment at the project entrance drive(s) with Pasco Road shall be conducted by the developer and reviewed and approved by the County. The access management plan/assessment shall include, but not be limited to:
- All turn lanes, appropriate turn-lane lengths and intersection improvements (including signalization, if warranted) required.

Any improvement(s) required as a result of this assessment shall be constructed by the Developer, at their own expense.

26. For the purpose of determining total proportionate share attributable to the project, the following off-site improvements have been identified:

a. SR 52 (SR 52 Widening):

- Widen existing two lanes to six lanes from Bellamy Brothers Boulevard to Interstate 75. The proportionate fair-share amount for this improvement is \$1,937,053.00;
- Widen existing two lanes to six lanes from Interstate 75 to Boyette Road/McKendree Road. The proportionate fair-share amount for this improvement is \$1,726,879.00;
- Widen existing two lanes to six lanes from Boyette Road/McKendree Road to the San Antonio City Limits. The proportionate fair-share amount for this improvement is \$2,729,496.00; and
- Widen existing two lanes to four lanes from the San Antonio City Limits to C.R. 577 (Curley Road). The proportionate fair-share amount for this improvement is \$1,340,401.00.

\*Total Proportionate Fair-Share for the SR 52 Widening: \$7,733,829.00

b. SR 52 and Old Pasco Road (west of I-75) intersection:

- Add an exclusive eastbound right-turn lane on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an exclusive westbound left-turn lane on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an exclusive northbound right-turn lane on Old Pasco Road. The proportionate fair-share amount for this improvement is \$251,459.00;
- Signalization, when warranted. The proportionate fair-share amount for this improvement is \$220,832.00.

\*Total Proportionate Fair-Share for the SR 52 and Old Pasco Road Intersection: \$472,291.00

c. SR 52 and Interstate 75 interchange:

- Interchange reconstruction, including the 'Loop Ramp'. The proportionate fair-share amount for this improvement is \$5,705,377.00.

\*Total Proportionate Fair-Share for the I-75 and SR 52 Interchange: \$5,705,377.00

d. SR 52 and Boyette Road/McKendree Road intersection:

- Add an additional four through lanes (from two to six lanes) on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an exclusive westbound left-turn lane on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an exclusive northbound left-turn lane on McKendree Road. The proportionate fair-share amount for this improvement is \$54,238.00;
- Add an exclusive southbound left-turn lane on Boyette Road. The proportionate fair-share amount for this improvement is \$54,238.00
- Signalization, when warranted. The proportionate fair-share amount for this improvement is \$116,495.00.

\*Total Proportionate Fair-Share for the SR 52 and Boyette/McKendree Road Intersection: \$224,971.00

e. SR 52 and C.R. 577/Curley Road intersection:

- Add an additional two through lanes (from two to four lanes) on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an exclusive eastbound right-turn lane on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an additional northbound left-turn lane (for dual left-turn lanes) on C.R. 577/Curley Road. The proportionate fair-share amount for this improvement is \$21,042.00;
- Add an exclusive southbound right-turn lane on C.R. 577/Curley Road. The proportionate fair-share amount for this improvement is \$51,463.00.

\*Total Proportionate Fair-Share for the SR 52 and C.R. 577/Curley Road Intersection: \$72,505.00

f. SR 52 and Pasco Road intersection:

- Add an additional four through lanes (from two to six lanes) on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an exclusive westbound right-turn lane on SR 52. The proportionate fair-share amount for this improvement is included in the SR 52 widening cost;
- Add an additional eastbound left-turn lane (for dual left-turn lanes) on SR 52. The proportionate fair-share amount for this improvement is \$202,487.00;
- Add a northbound receiving lane on Pasco Road to accommodate the dual eastbound left-turn lanes. The proportionate fair-share amount for this improvement is \$791,462.00;
- Add an exclusive southbound left-turn lane on Pasco Road. The proportionate fair-share amount for this improvement is \$202,487.00;
- Signalization, when warranted. The proportionate fair-share amount for this improvement is \$434,914.00.

\*Total Proportionate Fair-Share for the SR 52 and Pasco Road Intersection: \$1,631,350.00  
(does not include six-laning of SR 52)

27. Any development not entitled to a limited exemption pursuant to Section 402.7 of the LDC shall be required to pay, at the time of building permit, its pro-rata share of the adjusted proportionate share amount totaling \$10,888,733.00 (2009 dollars). This adjusted proportionate share amount is calculated by reducing the total proportionate-share amount of \$15,840,323.00 by the amount \$1,631,350.00 (which the developer is required to expend for the SR 52/Pasco Road intersection improvements and is not transportation impact fee creditable) and the \$3,320,240.00 (estimated total transportation impact fees for the project). The pro-rata share for each such project shall be \$12,139.00 (2009 dollars) per gross P.M. peak hour trip. This pro-rata fee is in addition to the applicable impact fee per the Impact Fee Ordinance, as amended and shall be indexed pursuant to such Ordinance. This pro-rata fee shall be applied to off-site improvements as identified in condition no. 26, or other transportation improvements benefiting the project, as determined by the County.
28. Prior to approval of the first preliminary plan/preliminary site plan, a detailed access management plan in accordance with Section 618.3, Access Management, of the LDC, including a phasing and timing assessment for the intersection of SR 52 and Pasco Road shall be conducted by the developer and reviewed and approved by the County. The access management plan/assessment shall provide all turn lanes, appropriate turn-lane lengths, intersection improvements, signalization (when warranted), any additional right-of-way at the intersection for the required improvements and the timing/phasing of all improvements. In addition, the methodology for the access management plan/assessment should include details for determining the transportation conditions under two different scenarios, as follows:
- SR 52 is or will remain two (2) lanes; and
  - SR 52 is or will be improved to four (4) or six (6) lanes.

Conditions based upon the results of the access management plan/assessment review shall be set forth in the Conditions of Approval for the first preliminary plan/preliminary site plan or other site plans thereafter.

Prior to issuance of the first building permit, the Developer shall be required to construct the improvements identified as a result of the access management plan/assessment review. If the required improvements for the SR 52/Pasco Road intersection are performed by others, then the

pro-rata fee as identified in condition no. 27 shall be required to be adjusted accordingly. This adjustment pertains to the \$1,631,350.00 proportionate share credit identified in condition no. 27.

29. The traffic study submitted by the applicant/developer identified Pasco Road as a substandard road; therefore, in accordance with the Substandard Road Analysis dated February 2009, prepared by WilsonMiller, prior to any Building Permit, the applicant/developer shall improve Pasco Road from the project's north boundary to SR 52 in accordance with the Final Assessment and Mitigation identified in the referenced Substandard Road Analysis.
30. Should a change/reduction in the proportionate-share payment be requested in the future, a revised traffic analysis shall be required in order to assess traffic impacts of the MPUD master planned Unit Development.
31. Prior to the issuance of any Building Permits occurring after the December 31, 2018, the developer shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.33.  
The traffic study submitted by the applicant assumes the following land uses:

480,000 square feet light industrial (ITE Code 110); 200,000 square feet manufacturing (ITE Code 140); 480,000 square feet warehousing (ITE Code 150); 40,000 square feet business park (ITE Code 770).

Any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicant or development based on the updated County approved traffic study.

32. The developer shall comply with the County and Pasco County Public Transportation (PCPT) requirements to accommodate mass transit service to and within the project. A detailed description of the overall transit-accommodations plan shall include, but is not limited to, a proposed ingress and egress route for buses and bus stops proposed to service the project including, but not limited to, benches, shelters, lighting, pedestrian walkways, landscaping, and placement as required by the County or PCPT. The developer shall submit the detailed description of the overall transit-accommodations plan to the Zoning/Code Compliance Department for review and the DRC's approval prior to or concurrent with the preliminary plan/preliminary site plan submittal of the first unit or phase within the development. Approval of the detailed description of the overall transit-accommodations plan is subject to PCPT review and approval in accordance with the PCPT *Transit Infrastructure Guidelines* (June 2005), as may be amended from time to time, or any subsequent ordinance adopted by Pasco County. The developer shall include and show on any preliminary plan/preliminary site plan submittal the DRC approved transit-accommodation facilities, which shall be constructed with the infrastructure improvements of each affected preliminary plan/preliminary site plan unless an alternative phasing of transit-accommodation-facilities construction is approved with the overall transit-accommodations plan. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
33. The developer may submit an overall pedestrian/bicycle path plan to the Zoning/Code Compliance Department for DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the LDC as amended, or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bicycle path plan, compliance with the LDC is required.

Should the applicant/developer develop the project as a targeted business/corporate business park project, then prior to the first preliminary plan/preliminary site plan, the applicant/developer shall submit a Master Bicycle/Pedestrian Plan, which will include a conceptual layout of the targeted businesses and retail centers, to the Zoning/Code Compliance Department for review and approval. Interconnections for pedestrian walkways shall be such that access to the targeted business and commercial components are easily accessible. To encourage walkability and to the extent practical, buildings shall have dual-entry features (access from the front and rear) or other design features approved by the Zoning/Code Compliance Department prior to or concurrent with the construction site plan/construction plan for each corresponding increment. Except for the modified sidewalk permitted within that portion of the Pod A roadway, as hereby approved pursuant to an alternative standards request and related variance request, both as described in the staff report, the pedestrian paths/trails shall be a minimum of six feet wide, and shall be shown on all preliminary plan/preliminary site plans, and the construction plan/construction site plans extending into each increment/bubble as each is developed.

The applicant/developer may, at its sole option, develop the Optional Boardwalk as shown on the MPUD Master Planned Unit Development Plan. Such a development may only occur after the receipt of any local, State and/or Federal permits necessary for such facility.

#### **Utilities/Drainage/Water Service/Wastewater Disposal**

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

#### **Tampa Bay Water**

##### **Water Quality and Drainage**

38. Development of the project shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan and LDC, as may be amended from time to time.
39. The project's stormwater-management system shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 40D-40; and Pasco County stormwater-management requirements as may be amended from time to time. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the regulations of Pasco County and other appropriate regulatory bodies shall be implemented. In addition, the applicant/developer shall comply with the following design requirements:
  - a. All swales shall be fully vegetated and operational.

- b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.
  - c. The applicant/developer or other responsible entities shall ensure that the stormwater-management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
  - d. Should the applicant/developer or entity responsible for maintenance discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the applicant/developer, or entity responsible for maintenance shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. Such report shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since any previous report.
  - e. Landscape and irrigation shall be in conformance with the LDC in effect at the time of preliminary plan/site plan approval.
40. Where approved as part of the project's stormwater management system, stormwater design shall include low impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State water quality standards.

#### Water Resource Protection

41. The applicant/developer shall comply with the Pasco County Wellhead Protection Ordinance.
42. Should any noticeable soil slumping or sinkhole formation become evident, the developer shall immediately notify the County, TBW, and the SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and the SWFWMD:
- a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and the SWFWMD approve resuming construction activities.
  - b. Take immediate measures to ensure that no surface water drains into the affected areas.
  - c. Visually inspect the affected area.
  - d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
  - e. Use geotextile materials in the backfilling operation, when appropriate.
  - f. If the affected area is in the vicinity of a water retention area, maintain a minimum vertical distance of five feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.
  - g. If the affected area is in the vicinity of a water retention area and the above methods do not stabilize the collapse, then additional technical assessments shall be conducted as appropriate, and implementation of a recommended course of action, which may include relocation of the retention area, if feasible.
43. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.
44. The historic, average discharge from the site shall be maintained in accordance with all applicable requirements of the LDC and Pasco County Stormwater Management Practices Manual.

## Land Use

45. The design standards are as follows:

General Permitted Use	Minimum Lot Width	Minimum Lot Area (in square feet)	Minimum Primary Structure Setback (in feet)			Maximum Lot Coverage	*Maximum Height (in feet)	
			Front	Side	Rear		Maximum	Within 100' of the Northern and Eastern MPUD Property Boundaries <sup>(6)</sup>
Corporate Business Park	80'	10,000	25'	7.5' <sup>(1)</sup>	15'	50%	120'	35'
Targeted Primary Business	100'	15,000/ 20,000 <sup>(2)</sup>	20'/25' <sup>(3)</sup>	5'/15'/35' <sup>(4)</sup>	5'/15'/35' <sup>(4)</sup>	50%	60'	35'
Industrial	100'	15,000/ 20,000 <sup>(2)</sup>	20'/25' <sup>(3)</sup>	5'/15'/35' <sup>(4)</sup>	5'/15'/35' <sup>(4)</sup>	50%	60'	35'
Support Commercial	80'	10,000	25'	30'/0' <sup>(5)</sup>	30'/0' <sup>(5)</sup>	50%	35'	35'
Office	80'	10,000	25'	7.5'	15'	35%	35'	35'

<sup>1</sup> One additional foot of side setback shall be required for each additional two feet of structure height greater than 60 feet.

<sup>2</sup> 15,000 square feet when within a platted office/industrial park; 20,000 square feet when not within a platted office/industrial park.

<sup>3</sup> 20-foot setback when within a platted industrial park; 25 feet when not within a platted industrial park.

<sup>4</sup> Five-foot setback when within a platted industrial park; 15 feet when not within a platted industrial park; 35 feet for parcels containing Light Industrial Flex Space and adjacent to an interior or rear property line.

<sup>5</sup> 30-foot setback when adjacent to residential land uses; zero-foot setback when adjacent to commercial or industrial uses.

<sup>6</sup> This requirement shall only apply when adjacent to vacant lands with an EC (Employment Center) Future Land Use (FLU) Classification.

\*If developed as a targeted business/industrial/corporate business park in accordance with the LDC, Section 522.8; Section 522.8.C.2.a shall not apply. The applicant/developer shall comply in the above requirement for height maximums.

- a. The uses for the targeted, primary business/industrial/corporate business park shall be those Preferred Uses as listed in the LDC, Section 522.8.D, and those uses shall be consistent with the IL (Industrial - Light) Land Use category.
  - b. The uses for Support Commercial/Office Uses shall be:
    1. All uses permitted by LDC, Section 525, C-1 Neighborhood Commercial District, LDC, Section 525, provided such uses are also consistent with the requirements within the LDC, Section 522.8.D.3.
    2. Certain uses listed within the LDC, Section 526, C-2 General Commercial District, more specifically: Public and Private Utility Facilities, Including Broadcasting or Communications Towers and Facilities; Bakery Stores; Dry Cleaning; Hotels; Printing Shops, and Publishing Plants.
  - c. The maximum Support Commercial/Office land uses shall not exceed 15 percent of the net project acreage and shall be developed with a maximum Floor Area Ratio of 0.27.
  - d. The maximum 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.
  - 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.
46. 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.
47. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

**Procedures**

48. The EC (Employment Center) Credit, which is defined as being the difference between the Option 1 full fee as defined in Article 402, and the applicable transportation impact fee that is due pursuant to the Impact Fee Ordinance, assumes that the Business Park/EC (Employment Center) entitlements shall be developed in accordance with the MPUD Master Planned Unit Development Ordinance for EC (Employment Center)/MPUD Master Planned Unit Development and modified by the IL (Industrial - Light) FLU Designation. Such development shall proceed as follows:

General Permitted Use Categories	Allowable Percentage of Net Project Acreage		Representative Land Use Mix Scenarios <sup>3</sup>					
	Minimum	Maximum	A		B		C	
Corporate Business Park/Targeted Primary Business/Industrial and	85%	95%	95%		85%		85%	
Support Commercial/Office Uses <sup>1</sup> and	5%	15%	Support Commercial	Office	Support Commercial	Office	Support Commercial	Office
			2.5%	2.5%	10%	5%	0%	15%
Multi-Family <sup>2</sup>	0%	0%	0%		0%		0%	

<sup>1</sup>The IL (Industrial - Light) FLU Classification prohibits Support Commercial from exceeding 15% of the land use mix.

<sup>2</sup>Multi-family uses are prohibited in the IL (Industrial - Light) FLU Classification.

<sup>3</sup>These examples are intended to illustrate potential scenarios. Other development alternatives are permitted where consistent with the minimums and maximums allowed.

49. At the time of the issuance of a Building Permit for interior build-out of each owner or tenant for the EC (Employment Center) entitlements, the applicant/ developer shall record a deed restriction for such entitlements in a form acceptable to the County and enforceable by the County that ensures that the EC (Employment Center) entitlements remain EC (Employment Center) entitlements. Such deed restriction shall require that any violator of such deed restriction make a pro rata share payment of the EC (Employment Center) Credit, calculated at the time such violation is incurred, less any generally applicable transportation impact fees actually paid for such use, and adjusted by the most recent construction and right-of-way indices as adopted by the Transportation Impact Fee Ordinance as amended.
50. A disclosure statement regarding the construction of all future roadways abutting and through the MPUD Master Planned Unit Development shall be included in all sales contracts for nonresidential sales with the MPUD Master Planned Unit Development. This disclosure shall include the future roadway's number of lanes and construction timing, if applicable.
51. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan/construction site plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
52. If the preliminary plans and/or preliminary site plans for the entire MPUD Master Planned Unit Development are not approved within six years of the original rezoning approval or from the last approved substantial modification, the conditions of approval shall expire for those portions of the MPUD Master Planned Unit Development that do not have (unexpired) preliminary plan or preliminary site plan approval. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and LDC in effect at that time.
53. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
54. A preliminary plan/preliminary site plan must be approved for an entire increment (bubble) prior to any phased construction plan/construction site plan approval. The maximum intensity of each increment shall not exceed the limits shown on the approved MPUD Master Planned Unit Development Plan. A preliminary site plan must also be approved for each increment in its entirety prior to any phased construction site plan approval.

55. 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/construction site plan approval, and/or record plat approval.
56. Development shall occur in accordance with the Pasco County LDC, Section 402, Concurrency Management System.
57. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developer of responsibilities under the State of Florida Zoning Legislation as implemented by the Florida Department of Community Affairs and Pasco County.
58. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the BCC approved document is completed (including notarization) and received by the Zoning/Code Compliance Department after the BCC action.
59. All conditions of this MPUD Master Planned Unit Development approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD Master Planned Unit Development approval shall be suspended until such time that the BCC modifies the MPUD Master Planned Unit Development conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) MPUD Master Planned Unit Development entitlements that have received plat, Building Permit, or CO approval; or 2) any MPUD Master Planned Unit Development mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD Master Planned Unit Development or the MPUD Master Planned Unit Development conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD Master Planned Unit Development approval under any circumstances.

**OWNER'S/DEVELOPER'S ACKNOWLEDGMENT:**

The owner/developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
PASCO INDUSTRIAL, INC.

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owner/developer, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be its free act and deed for the uses and purposes therein expressed.

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

My commission expires:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at

Large