

**SHOPPES OF BALLANTRAE VILLAGE
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6758**

Master Development Plans

1. Development shall be in accordance with the application submitted December 2, 2009, and the plans and information submitted October 15, 2007, and December 11, 2007, 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. 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.
3. Unless otherwise approved at the preliminary site plan review, 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.
4. 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.
5. The developers have submitted an environmental/habitat study, which has been reviewed on October 30, 2007, 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 Zoning and Site Development Department a copy of the Environmental Resource Permit.
6. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on November 29, 2007. 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."

7. 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 (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. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.
8. The applicants/developers shall set aside a total of 25 percent of the total buildable acreage as open space to be preserved in perpetuity. This open-space area shall be shown on all construction site plans and be maintained by a merchant's association.
9. There shall be a minimum 25-foot-buffer tract adjacent to the Ballantrae park site located on the northeast side of the proposed development if the area is developed with a retention/detention area, otherwise, a 50-foot-minimum building setback with a minimum 25-foot landscape buffer with landscaping equivalent to a Type C buffer per the LDC. There shall be a minimum four-foot opening (at grade) in the Type C buffer in order to allow a pedestrian connection to the Ballantrae park site to the north and the Ballantrae commercial site.

Ordinances

10. 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 and the Groundwater Protection Ordinance (LDC, Section 612).
11. 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

12. Prior to final site/construction plan approval of any project abutting a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). Prior to the issuance of the first Certificate of Occupancy (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 may also require further intersection improvements along the internal road intersections, the development's entrance roads and Ballantrae Boulevard, and the entrance road at S.R. 54.
14. The full median located on Ballantrae Boulevard and the project's entrance access onto Ballantrae Boulevard shall be moved north for approximately 50 feet (the access drive will be moved to immediately south of the ponds/wetlands area), which will require approval of the County Engineer and/or a variance prior to the first preliminary plan/preliminary site plan approval.
15. The access points shown on the master plan are not approved. All accesses shall require further review and approval through the preliminary site plan review and approval stage.

Dedication of Right-of-Way

16. Public roadways shall be required unless otherwise approved by the Development Review Committee (DRC) through an alternative standards request prior to the first preliminary plan/preliminary site plan

approval provided; however, the County acknowledges that the reverse-frontage/access drive being constructed by the applicants/developers will not be a public roadway and will be maintained by an owner's/merchant's nonprofit association; however, the private-access roadway shall provide a public-access easement over it.

17. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
18. 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.
19. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 125 feet of right-of-way from the centerline of construction of S.R. 54 (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements). (The existing right-of-way for S.R. 54 is 250 feet.)
20. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County sufficient right-of-way to total 142 feet for Ballantrae Boulevard to the northernmost property boundary of the proposed development (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Ballantrae Boulevard within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Ballantrae Boulevard, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section 403. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

Design/Construction Specifications

21. Prior to preliminary plan/preliminary site plan approval, the developer shall supply evidence that it has coordinated with the developer(s) and engineer(s)/surveyor(s) of the adjoining parcels to the east to identify and provide the location of the required interconnecting roadway. The following information shall be shown on all preliminary plans/preliminary site plans and construction plans/construction site plans that include or abut the interconnecting roadway: location (by State plane coordinates), centerline, right-of-way width, cross section, elevation of centerline, grade, and centerline geometry (tangent bearing/curve geometry) to provide a seamless continuation of this road at property lines.
22. The applicant agrees to discontinue and remove, at the applicant's sole expense, the interim uses, if any, in the S.R. 54 and Ballantrae Boulevard Transportation Corridors no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan (CIP) or Capital Improvement Element (CIE) or the FDOT in the FDOT's Five-Year Transportation Improvement Program (Termination Date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension. The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.

23. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
24. The developers have submitted a traffic study which was reviewed by the staff of the County on February 5, 2008. Prior to approval of the first record plat, or where platting is not required prior to the approval of the first construction plan/construction site plan, the developer shall construct or bond the following site-access improvements:
 - a. Prior to the issuance of the first CO, or at any time the County requests, the applicants/developers shall install, at their own expense, a traffic signal at the intersection of S.R. 54 and Ballantrae Boulevard. The applicants/developers shall be entitled to any funds received or will be received by the County for the cost of this signalization from other sources; however, the applicants'/developers' proportionate-share cost of this signalization is \$120,700.00, which is not available to be received from the funds mentioned above. This amount is based upon 2010 dollars and shall be paid prior to the issuance of the first CO. The proportionate-share contribution shall be indexed in accordance with the latest adopted Impact Fee Ordinance, as amended. This proportionate-share is not impact-fee creditable.
 - b. Turn lanes as follows:
 - (1) At S.R. 54 and the South Project Access:

A westbound, right-turn lane to total 375 feet including a 50-foot taper.
 - (2) At Ballantrae Boulevard and the West Project Access:
 - (a) A northbound, right-turn lane on Ballantrae Boulevard to total 170 feet, including a 50-foot taper.
 - (b) A southbound, left-turn lane on Ballantrae Boulevard to total 220 feet, including a 50-foot taper.

This project entrance, as proposed, does not meet access-management standards; therefore, a variance from the LDC, Section 618, is required. If the variance is approved, the improvements stated in Condition No. 25.b(2) may need to be modified prior to the first preliminary site plan approval. The location and type of driveway connection will need to be reviewed and approved by the Engineering Services Department prior to preliminary site plan approval. (Variance approved by the DRC on April 24, 2008, PMA08-133.)

25. Prior or concurrent with the first record plat, or where platting is not required, prior to approval of the first construction plan/construction site plan, the developer shall complete or bond (or Letter of Credit) the following off-site mitigation improvements:
 - a. Widen S.R. 54 from the Suncoast Parkway to Oakstead Boulevard from the existing four lanes to six lanes.
 - b. Construct a second eastbound, left-turn lane on S.R. 54 at Ballantrae Boulevard to total 475 feet, including a 50-foot taper.
26. In lieu of the above-mentioned, off-site improvements, the developer/applicant shall pay a proportionate share in the amount of \$915,760.00 (based on 2010 dollars) for the off-site improvements within 90 days of the date of approval of the rezoning amendment. The project's estimated impact fee amount is calculated to be \$994,378.00 and shall be paid at the time impact fees are due per the Traffic Impact Fee Ordinance. Since the 2010 impact fee (\$994,378.00) is more than the 2010 proportionate-share amount (\$915,760.00), only the impact fee shall be paid. This impact fee shall be based on the latest Impact Fee Schedule depending on the year the payment is made. If the required payment is not received within the 90-day timeframe as indicated above, the required proportionate-share contribution shall be indexed by the latest, adopted Impact Fee Ordinance.

The developers/applicants may apply for impact fee credits in accordance with the Impact Fee Ordinance as amended.

If applicable, the County commits to add the above-mentioned, off-site improvements in the next update to the CIP/CIE, subject to the Florida Department of Community Affairs (FDCA) approval of the County's Long-Term Concurrency Management System.

27. Prior to or concurrent with the approval of the first construction plan/construction site plan, the developer shall obtain Right-of-Way Use Permits, if required, for the construction of the improvements identified above.
28. 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.
29. Prior to final plat approval for residential, or where platting is not required, prior to Building Permit issuance occurring after December 31, 2010, 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.
30. The traffic study submitted by the applicant assumes the following land uses: 71,090 total square feet of commercial development (pharmacy, 14,490 square feet; drive-in bank, 4,500 square feet; two high-turnover restaurants, 4,800 square feet each; day-care center, 15,000 square feet; shopping center, 17,500 square feet; and general office, 10,000 square feet). Any development of land use(s) that generate(s) greater traffic impacts cumulatively than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and Transportation Impact Fee reduction process. If the applicant or development fails to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age restricted, 55 and older, or 62 and older housing; and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee, may impose additional conditions on the applicant or development based on the updated County approved traffic study.
31. 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 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.
32. The developers/applicants shall submit an overall pedestrian path master plan to the Zoning/Code Compliance Department for review and approval prior to or concurrent with approval of the first preliminary plan/preliminary site plan. At a minimum, the pedestrian path master plan shall provide the following: pedestrian connections between uses within the site at a minimum width of six feet, connection to the Ballantrae park site located to the north of the Ballantrae commercial site, a minimum of two overlooks adjacent to the pond areas with a minimum of four park benches with sufficient lighting for each overlook, and a minimum of six-foot-wide connections to the nearest internal uses.
33. The developer shall comply with the applicable standards of the S.R. 54 Corridor Study as approved by the BCC on October 23, 2001, and as extended on October 15, 2002.

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 Pasco County 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. The applicants/developers shall immediately notify the County, Tampa Bay Water (TBW), and the SWFWMD should any noticeable soil slumping or sinkhole formation become evident, and adopt one or more of the following procedures as determined to be appropriate by the County and SWFWMD:
 - a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for irrigation activities) in the affected area and remain stopped until the County and 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, relocate the retention area.
36. The discharge of stormwater into depressions, with direct or demonstrated hydrologic connection to the Floridian Aquifer, is prohibited.
37. The historic, average, rainfall volume discharged from the site should be maintained postdevelopment. The applicant/developer shall propose stormwater-design solutions which achieve this goal and reduce treatment-volume requirements, in cooperation with TBW and to the extent the permitting agencies (Pasco County and SWFWMD) can allow.
38. Finished floor elevations for all habitable structures shall be at or above the 100-year flood plain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.
39. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
 - a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and nonpotable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
 - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
 - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
40. 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.

41. 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 TBW, as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developer/owner shall transfer to Pasco County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within Pasco County.
 - b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

Land Use

42. The design standards for the development shall be in accordance with regulations for the C-2 General Commercial Zoning District of the LDC, and uses are specific to all permitted and special exception uses in the C-1 Neighborhood Commercial District (except adult entertainment activities, ministorage, and conditional uses) and the following C-2 General Commercial District uses:
- Automobile parts and all merchandise must be inside the store/building.
 - Bakery stores, retail only.
 - Dry cleaning.
 - Hat cleaning and blocking.
 - Laundries, hand and self-service.
 - Music, radio, and television stores and repair shops inside of building.
 - Printing shops and publishing plants (newspapers).
 - Dance academies.
 - Accessory uses customarily incidental to a permitted use.

Additionally, the following shall apply:

- a. The maximum floor area for the commercial portion shall not exceed 61,090 square feet of gross floor area, including out-parcels.
 - b. The maximum floor area for the office portion shall not exceed 10,000 square feet of gross floor area, including out-parcels.
 - c. The approved 71,090 square feet of retail and office entitlements and 37.73 acres, m.o.l., of land area necessary to develop such entitlements may not be utilized or exchanged for residential land uses.
 - 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.
43. The developer shall submit and obtain approval of a Large-Scale Plan Amendment to add uses not previously approved or to reduce open space or preservation/conservation areas. A plan amendment is also required if there is a cumulative increase in the density or intensity of ten percent or more in the number of average-daily trips as defined by the Institute of Transportation Engineers. The same does not include conditional uses for alcohol.
44. If the proposed shift in density/intensity 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.

45. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.

Procedures

46. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
47. Portions of the right-of-way or other conveyances/easements to be dedicated hereunder may be subject to existing easements and other matters of record and affect the applicants'/developers' ability to grant such right-of-way for its intended purposes.
48. If a complete preliminary plan or preliminary site plan for the first phase of the MPUD Master Planned Unit Development is not submitted and approved within six years after the rezoning approval, the conditions of approval and any density/intensity approved shall expire. 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.
49. 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.
50. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential 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 site plan approval.
51. 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.
52. Development shall occur in accordance with the LDC, Section 402, Concurrency Management System.
53. 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 FDCA and Pasco County.
54. In addition to complying with the above conditions, no activity shall commence on site 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.

- 55. This MPUD Master Planned Unit Development shall not be effective until the corresponding PD (Planned Development) Land Use change is effective.
- 56. If the corresponding PD (Planned Development) Land Use change is found not to be in compliance by the Florida Department of Community Affairs or otherwise challenged by a third party, this MPUD Master Planned Unit Development shall be null and void.

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) _____

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

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) _____

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

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)

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