

**CANNON RANCH
MPUD MASTER PLANNED UNIT DEVELOPMENT
REZONING PETITION NO. 5634**

1. Development shall be in accordance with the application, plans, and information submitted March 2004, as supplemented, unless otherwise stipulated or modified herein.
2. The original MPUD Master Planned Unit Development Conditions of Approval; Master Development Plan; Rezoning Petition No. 3664, as approved by the Pasco County Board of County Commissioners on August 18, 1987; and subsequent amendments are hereby superseded by Rezoning Petition No. 5634.
3. The developer shall submit, within 45 days of the Board approval or prior to preliminary plan submittal whichever occurs first, 25 sets of the revised MPUD Master Planned Unit Development, Community Development Standards document to the Growth Management Department for review and approval that addresses all applicable conditions set forth and the following specific instructions:

Revise the Community Development Standards document, as approved on March 20, 2001, to conform to this MPUD Master Planned Unit Development approval.

Open Space/Buffering

4. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, 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 and platted as conservation/preservation areas. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 2.7.3, 2.7.5, and 2.7.6; 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.
pp/cp
5. The developer 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, a Community Development District, hereinafter known as CDD, 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 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 funded by the CDD or the homeowners' association shall be credited to such entity and not the developer.
plat
6. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developer shall submit a copy of any required Incidental Take Permit issued by the Florida Fish and Wildlife Conservation Commission to the Development Review Division (DRD).
pp/cp
7. Prior to the approval of the first record plat or where no plat is required, prior to the issuance of the first Building Permit (other than for model permits), and in lieu of a land donation as provided for in Paragraph 7.c below, the developer shall make payments to the County in accordance with the following terms and conditions:
1st plat

- a. The developer shall pay to the County an amount (the "Park Commitment") equal to the greater of \$630,505.20, as adjusted by the Interest Factor provided below (the "Minimum Payment") or \$130.00 for each unit allowed by the then approved development order as of the date which is three years after the approval (as defined below). The developer shall pay and secure the Park Commitment as follows:
- (1) Within 30 days of the Pasco County Board of County Commissioners October 26, 2004, approval of this MPUD amendment (the "Approval"), the developer shall deliver a cash payment of \$150,000.00 to the County as part of the minimum payment.
 - (2) At the time of recording the first residential plat or 18 months after the date of the Approval, whichever comes first, the developer shall deliver an additional cash payment equal to the balance of the Minimum Payment, as same is adjusted. The unpaid balance of the Minimum Payment and Park Commitment shall be increased per annum by the then current prime interest rate plus one, compounded annually (the "Interest Factor"), with the first adjustment being made one year after the date of the Approval, and with an adjustment on a like day of each year thereafter. The excess portion of the Park Commitment above the Minimum Payment, if any, shall be paid at the time of recording each and every residential plat which, when added to all previously platted units, will cumulatively allow more than 4,000 units to be built on the property as a whole.
- b. The developer shall continue to make payment (including through impact fee credits) of the Parks and Recreation Impact Fees specified in Paragraph c below throughout the course of the development of the project. The developer shall be entitled to credit against the park land portion of the Parks and Recreation Impact Fees Ordinance.
- c. If the Minimum Payment is not timely delivered as provided in a.(1) and (2) above, then, so long as the developer has not delivered either portion of the Minimum Payment, the County may at any time require the developer to donate 67 acres of usable, contiguous, upland acres of parkland to Pasco County, exclusive of required setbacks from wetland or environmental areas, in a location approved by Pasco County, and pay the Parks and Recreation Impact Fees, subject to the parkland credit as defined by the Ordinance.
8. The neighborhood parks as depicted on the master plan have not been reviewed or approved for consistency with the Neighborhood Parks Ordinance. Specific review and approval of the neighborhood parks will be conducted at each preliminary plan/preliminary site plan review.

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 Board including, but not limited to, solid waste, public safety, or wildlife ordinances, the 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 Land Development Code, as amended. The emergency access may be barricaded in a manner found acceptable by DRD and the Pasco County Emergency Services Department.
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 (DRC) may also require further intersection improvements along the internal road intersections.
14. Access to any commercial out-parcels shall be provided from internal drives or parking areas.

15. Any entrance gate shall be sufficiently set back in order to provide vehicular stacking for a minimum of three vehicles unless a different stacking 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 prior to construction plan approval to allow fire and other emergency vehicles immediate access to the development.
16. The developer shall provide for a stub-out on the project's west boundary in the vicinity of Parcel 3 as depicted on the revised Master Development Plan.
17. The developer shall construct a roadway connection between Parcel 8 and Parcel 18.
18. The developer shall construct those portions of Loop Road and East Road necessary to connect S.R. 52 to C.R. 577 prior to approval of the record plat/final site plan of the 2,000th dwelling unit within the project.
19. The intersection of S.R. 52 and the main entrance road shall be constructed as required by FDOT and the Pasco County Engineering Services Department. The developer shall pay the cost of signalization of this intersection if such signalization is deemed to be necessary by DRC and meets required FDOT and Pasco County Engineering Services Department traffic warrants.

Dedication of Right-of-Way

20. Public roadways shall be required unless otherwise approved by the DRC prior to the first preliminary plan/preliminary site plan approval.
21. In the case of private streets, dedication and maintenance shall be to an appropriate entity (other than Pasco County).
22. 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 provided, however, that access rights relating to the Village District, shall be reserved consistent with the Community Development Standards.
23. The developer shall dedicate to the public the rights-of-way listed for the following roadways:
 - a. Sufficient additional right-of-way to total 60 feet from the centerline of S.R. 52 for that portion of the project abutting S.R. 52 prior to, or concurrent with, the platting of the first unit or phase, or where platting is not required, prior to the first final site plan approval. However, if the proposed Clinton Avenue Extension is not funded for construction, as provided for under Section D.1.d. of the Development Agreement for Cannon Ranch DRI No. 163, then the additional right-of-way requirements shall be 105 feet from the centerline of S.R. 52 as described above.
 - b. Sufficient additional right-of-way to total 85 feet from the centerline of C.R. 577 abutting the project prior to, or concurrent with, the platting of the first unit or phase, or where platting is not required, prior to the first final site plan approval. In addition, the developer shall accept the drainage, if required, for future additional two-lane (total four-lane section), including turn lanes, construction adjoining the project boundary along C.R. 577.
 - c. Right-of-way for realignment of C.R. 577 within the project boundary shall be in accordance with Exhibit "A, subject to Board approval of the Curley Road North Route Study.
 - d. Sufficient additional right-of-way to total 35 feet from the centerline of Tyndall Road abutting the project prior to, or concurrent with, the platting of the first unit or phase, or where platting is not required, prior to the first final site plan approval.
 - e. Rights-of-way for internal project roads shall be submitted with the roadway phasing plans in accordance with Condition No. 27 (the alignment/construction phase plan condition).

Notwithstanding the above, the developer agrees to provide all necessary documents and/or information pertaining to the aforementioned transference of rights-of-way to the Pasco County Real Estate Division within 90 days of the County's request.

However, in any event, sufficient rights-of-way shall be dedicated so that the typical roadway cross section structural design will meet the requirements of Section 336.045, Florida Statutes. Reductions in

right-of-way may occur, if approved by the County, where the road stormwater treatment and storage is within an adjacent increment (parcel). At intersections of major roads, where more right-of-way is needed to accommodate the roadway, additional right-of-way shall be provided.

24. The developer shall pave Tyndall Road to collector road standards from the point of connection of South Road to C.R. 577. This pavement shall be constructed prior to record platting or where platting is not required, prior to construction plan approval of Parcel 18 and/or the construction of the southeast elementary school and/or the extension of South Road to Tyndall Road, whichever occurs first.
25. Alternative roadway design standards may be considered and approved by DRC at the time of each preliminary plan/preliminary site plan approval. Inverted crown roadways are not permitted in fee-simple development parcels; however, they may be considered for driveways and alleys at the time of the preliminary plan/preliminary site plan review.
26. If the County is required to reconvey development rights for the Clinton Avenue Extension right-of-way in accordance with the Cannon Ranch DRI No. 163 Development Agreement, then the 175-foot right-of-way shown on the MPUD Master Planned Unit Development shall revert to the land uses as approved on the Cannon Ranch DRI No. 163, Revised Map H-2003, as approved by the Board on September 8, 2004. In such event, the developer shall submit a revised MPUD Master Planned Unit Development Plan, to be approved administratively, showing those development rights.
27. Prior to or concurrent with the first preliminary plan/preliminary site plan submittal, the developer shall submit a roadway alignment and construction phasing plan to the Growth Management Department for review and approval. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, intersection geometry, phasing, design speed, internal access points, and alignment for the following roads and intersections: Loop Road, East Road, South Road, West Road, the intersection of South Road and Tyndall Road, and the intersection of East Road and C.R. 577. Approval of this plan must be obtained from the DRC 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.
28. Transit amenities, such as bus pads, shelters, park and ride lots, and passenger security features are needed to ensure service can be planned and provided in an effective, efficient manner. These amenities need to be planned and scheduled; therefore, the developer is required to coordinate with the Public Transportation Division (PCPT) the potential inclusion of transit amenities prior to initiation of each phase of development. A letter of compliance from the PCPT attesting to the satisfactory coordination with the developer shall be required and submitted to the Growth Management Department.
29. The developer may submit an overall pedestrian/bike path plan to the Growth Management Department for the DRC 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 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/bike path plan, compliance with the Land Development Code is required.
30. A Residential Urban Street may be a one-way street with parking on both sides or a two-way street with parking on one side. Further, if two-way Residential Urban Streets are proposed with parking on both sides, the minimum width shall be 42 feet (including two travel lanes and two parking rows).
31. Street calming on local public roads and/or on-street parking shall comply with the standards adopted by Pasco County.
32. On-street parking space size shall be provided in accordance with the Land Development Code unless otherwise approved by DRC. The minimum pavement width of roads utilizing on-street parking is 42 feet.
33. Corner radii for roadways shall be subject to review to determine adequacy of specific radii dimensions proposed at the time of preliminary plan and/or construction plan review process.
34. Approval of the traffic circles on Loop Road and West Road are subject to detailed analysis of traffic flow and design of the circle at the time of preliminary plan/construction review.

Utilities: Drainage, Water Service, Wastewater Disposal

35. Prior to the first preliminary plan/site plan approval, the developer shall submit to DRD for approval by DRC a revised Master Drainage Plan for the entire project. The said Master Drainage Plan shall consist of a Master Drainage Report and Master Drainage Plan drawings and all items specified within the Master Drainage Plan Preparation Guidelines for Proposed Developments in Pasco County. In addition, the ownership and maintenance responsibilities for the drainage system(s) shall be indicated in this plan. The existing wetlands shall be referenced on the plan.
36. The developer 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 said 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 DRD.
37. The developer may submit, simultaneous with the Master Drainage Plans and Report, as required by Condition No. 35 (the revised Master Drainage Plan condition), Grading and Drainage Plans for the construction of the golf course fairways, tees, greens, bunkers, rough, practice range, associated stormwater management facilities, cart paths, and irrigation systems. Upon DRC's approval of these plans and receipt of an Environmental Resource Permit issued by SWFWMD, the County may issue a hard-copy Site Construction Permit for the golf course facilities described herein. Since golf courses in general take much longer to construct and grow-in, this condition is intended to permit the developer to construct and allow for the grow-in of the golf course prior to construction of other improvements. This condition is not subject to the requirements of Condition No. 11 (the access condition) so long as construction-related traffic access is off C.R. 577 and not S.R. 52. Applicable infrastructure shall be completed prior to the County issuing a certificate to operate the golf course.
- A site plan for the golf course may be reviewed and approved prior to the submittal of a roadway phasing plan. However, an approved roadway phasing plan will supersede an approved golf course site plan when improvements or upgrades are necessary to the golf course access roadway(s) due to a shared use with other developments.
38. The developer shall provide access easements a minimum of 15 feet in width to the stormwater ponds to provide maintenance accessibility. The said access easements shall be shown on all preliminary plan/construction plans and shall be conveyed to Pasco County prior to or concurrent with the record plat. Maintenance responsibility will be as identified per Condition No. 5 (the homeowners' association condition).
39. Finished floor elevations for all habitable structures shall be at or above the 100-year flood plain elevation. All preliminary plan/site plan submittals shall provide 100-year flood elevation data.

Utilities: Drainage, Water Service, Wastewater Disposal

40. Water and wastewater treatment shall be provided pursuant to the Water and Wastewater Treatment Service Agreement for One Pasco Center, Colonial Village, and Route 347, dated February 10, 1987, as it may be amended from time to time. A Master Utility Plan for the entire development must be submitted to the Pasco County Utilities Department for review and to the DRC for approval prior to approval of the first preliminary plan/preliminary 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.
 - c. Any overhead electric lines.
 - d. Method of lighting all major roads.
 - e. Sewage treatment facility location.
 - f. The proposed method of treatment and the possibility of a nonpotable water system for irrigation.

41. Upon a determination by Pasco County that a need for the same exists, then within 120 days of a written request from Pasco County, the Developer shall donate to Pasco County one (1) three (3) acre well site for a water production facility as shown on the approved MPUD Master Planned Unit Development Plan, as amended.
42. Water-saving devices shall be required in the Project as mandated by Chapter 533.14, F.S., 1985 (the Florida Water Conservation Act).
43. Native vegetation shall be used in landscaping wherever feasible. Deed restrictions will be designed to provide a drought-tolerant, plant list; required water-conserving, irrigation systems; and incentives to create "natural areas" with native plants.
44. Irrigation shall be from reuse of treated effluent as set forth in the agreement referenced in Condition No. 40 (the Master Utility Plan condition), where available and as permitted by appropriate regulatory agencies. Responsibility for installation of a dual, water-supply system shall be in accordance with the appropriate Utilities Service Agreement.
45. At the option of the County, and in lieu of the donation of the three (3) acre well site, the County may request the Developer to pay the County the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) for use in the construction of any additional water production facilities that may become necessary to provide service to the area.

Land Use

46. Prior to any preliminary plan/preliminary site plan approval for retail land use development outside the current ROR (Retail/Office/Residential) Land Use District, the developer shall process an amendment to the Future Land Use Map in accordance with the provisions of the Pasco County Comprehensive Plan. Upon a finding of compliance from the Florida Department of Community Affairs (FDCA), the developer can proceed with development of the retail land uses.
47. The residential design standards shall be those contained in the Community Development Standards revised in accordance with Condition No. 3 (the instructions condition). In an instance where no development standard is proposed, the Land Development Code shall apply.
 - a. Development of the project shall proceed pursuant to the applicable mix of land uses described in Table 1. The number of units and density, however, may increase or decrease within any specific development increment (parcel) shown on the Master Development Plan as provided for herein.

TABLE 1
APPROVED LAND USES¹

<u>Land Use</u>	<u>Project Size</u>
Single-Family (du)	2,350*
Accessory Dwelling (du)	400*
Multifamily Condominium/Townhouse (du)	250*
Multifamily/Resort Style (du)	1,500*
Retirement Housing Units (du)	2,600*
Golf Course (holes)	36
Park (number)	5
Commercial/Retail (ksf)	183
Office (ksf)	52

*The total number of dwelling units shall not exceed 6,700.

¹ The progression of the project will be by dwelling units/square footage of development, as determined by market conditions. That is, the mix of multifamily, single-family residential units and commercial (retail/office) square footage may vary within the geographic boundaries of the project as shown on the revised Master Development Plan. In order to qualify as a retirement unit, any such unit must be deed restricted for residents at least 55 years of age, or which otherwise qualifies for a deed restricted community for the purposes of the Federal Fair Housing Law.

- b. Parcels may be developed out of numerical sequence and in multiples as long as the parcel(s) being developed does (do) not rely upon infrastructure construction of future parcels.
 - c. A preliminary plan/site plan must be approved for an entire increment (parcel) prior to any phased construction drawing approval within the increment (parcel). A concept design (overall layout) must be approved by the Zoning Administrator for an entire multifamily increment (parcel), or other mixed use increments (parcels) such as the Village District, Business District, or parcels designated for resort/residential uses, prior to any phased site plan approval within such increment (parcel). Development shall occur in accordance the Community Development Standards.
 - d. Residential use shall not be intensified; e.g., housing types and lot size, from that which is shown on the preliminary plan/site plan within any one increment (parcel) following approval of the plat or final site plan for the first unit in that increment (parcel) without review and approval by DRC and the Board.
 - e. With the submission of each preliminary plan/site plan, the developer shall also submit the accumulative number of residential units by type and the gross leasable square footage of retail and office structures which have previously received preliminary and final site plan approval from the County and those of which have been record platted and/or constructed. In addition, if any redistribution of units is proposed, pursuant to the guidelines above, the developer shall submit an amended Master Development Plan to the Zoning Administrator illustrating unit redistribution.
 - f. The golf course use may range between 18 and 45 holes, provided that the open space component is retained in the manner provided on the revised MPUD Master Planned Unit Development, and similar modifications in configuration and size of certain other uses may occur. Any change to the MPUD Master Planned Unit Development is subject to the provisions of the Land Development Code, Section 522.
 - g. Accessory dwelling units are constructed on the same lot as the primary conventional dwelling unit and have their own cooking and bath facilities.
 - h. In no event shall the total of housing units, including accessory dwellings, exceed 6,700.
48. Side-yard setbacks may be reduced to five feet based upon the following conditions being met prior to construction plan approval for each phase or unit. Should the conditions not be met, the minimum side setback shall be 7.5 feet.
- a. The engineer of record shall provide to Pasco County signed and sealed, design calculations for each typical lot demonstrating compliance with Pasco County's drainage criteria.
 - b. Pasco County typical Lots A, B, and C will have side-yard swales with side-slopes no greater than 4:1 and a depth no greater than 15 inches.
 - c. Side-yard swales shall be sloped to create positive outfall to the front or rear of each lot with velocities no greater than allowable for grasses stabilization, as in the FDOT *Drainage Manual*.
 - d. Swales shall be sodded in place by the developer, and the maintenance responsibility will be that of the homeowner.
 - e. No obstruction shall be permitted in the swale area between houses that impairs the intended function of the swale.
 - f. Unless otherwise approved at the time of Building Permit review, gutters directed to the front lot line shall be installed on the side yard of the structure.
49. Unless otherwise specified, the development standards of a C-2 General Commercial District shall apply in Activity/Meeting Center land use.
50. In areas where shared parking is proposed, parking requirements shall be determined in accordance with acceptable industry standards, subject to review and approval by Pasco County at the time of preliminary plan/preliminary site plan approval.
51. Preliminary plan/preliminary site plans shall show overall parcel density. Density shall not exceed that which is shown on Table 2.2, Dimensional Standards, Parcel Density/Acre.

52. For land uses other than single-family conventional, preliminary plans/preliminary site plans shall show site coverage of the overall parcel, increment, etc. Site coverage shall not exceed 65 percent as depicted on Table 2.2, Dimensional Standards, Maximum Site Coverage (d). Coverage for single-family conventional is measured on a per-lot basis.
53. Buildings in excess of two stories shall be set back 200 feet from any point of the overall MPUD Master Planned Unit Development boundary. Show the 200-foot setback line from the MPUD Master Planned Unit Development boundary on any preliminary plan/preliminary site plan where the said setbacks occur on the said plan and buildings greater than two-story units are proposed.
54. Each preliminary plan/preliminary site plan shall show the specific setback distances necessary for compliance with the Standard Building Code, Table 600, Fire Resistance Ratings, as it relates to proposed principal and accessory structure types within the development. When typical setback distances noted in the MPUD Master Planned Unit Development application conflict with the setbacks required by the Standard Building Code as referenced above, the greater of the two shall apply.
55. Short-term rental, as may be proposed within the Resort and Village District, shall comply with Land Development Code, Section 530.21, and any future amendments.
56. Up to 400 accessory dwellings which are designed for use as dwelling units with their own cooking and bath facilities may be allowed within single-family conventional and/or Village District development areas. The maximum size shall be 800 square feet and shall not be eligible for short-term rental. As aforesaid, the total number of dwelling units shall not exceed 6,700, including accessory dwelling units.
57. The use of accessory dwellings will be evaluated on a case-by-case basis at the time of preliminary plan review. This evaluation may include, but not be limited to, minimum principle structure lot size, parking, access, density, open space, transportation, and setbacks. Accessory dwellings will be considered for the purposes of determining overall parkland requirements.
58. Structures that have more than one use; i.e., residential and retail, shall have their uses identified on the preliminary plan/preliminary site plan submitted for review. Pasco County shall reserve the right to request additional information during the preliminary plan/preliminary site plan review process as deemed necessary and reasonable when a proposed land use on the said plan includes more than one class of development; i.e., Class I, Class II, and Class III, as defined in the Pasco County Land Development Code, Section 306, and may require separate plan approvals for each development class.
59. Balconies and awnings within the Village District may overhang into and/or over public or private access easements and/or public or private rights-of-way (e.g., sidewalks along exterior building walls).
60. Where setbacks are designed to be measured from the edge of pavement (EOP), as described in the Community Development Standards, the following information shall be provided by the developer:
 - a. EOP and setback line shall be shown and identified on all preliminary and construction plans submitted for approval.
 - b. With the submittal of each Building Permit application, EOP, setback line, and proposed building location, as proposed on the said permit application, shall be shown on a survey certified by a Florida Registered Land Surveyor.
 - c. Prior to the issuance of a CO, EOP, setback line, and building location shall be shown on the tie-in survey.
61. Upon submittal of an amendment request of the developer, and upon recommendation of the Zoning Administrator, the Board may amend land use designations shown on the revised Master Development Plan to intensify or deintensify development.
62. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of five acres to be used for recreational vehicle storage for the exclusive use of Cannon Ranch residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

63. The developer agrees to donate to the County a mutually acceptable site of up to five (5) acres in size within the Village District, Business District, or other approved location for a library facility. The Developer may have up to 120 days to donate such land from the time of formal written request from the County provided, however, that the County shall agree not to make such a request for the said site until funding is appropriated to construct the library facility. If the County makes such a request, then the donation of the library site shall act as credit toward the land portion of the library impact fees according to the provisions of the Library Impact Fee Ordinance. The Developer shall be reimbursed for impact fees theretofore paid to the extent the land donation would amount to a duplicate payment. The Developer shall have the right to architectural and site plan review in order to ensure both the structure and site are compatible with the Project's Village District. However, if after platting and/or final site plan approval of fifty (50) percent of the 6,700 residential units allowed for the Project, the County has not appropriated the funds for construction and formally requested the donation of the library site, then the Developer shall no longer be required to make such a donation. The library site area may, with County approval, be reduced if the Developer can demonstrate to the County that shared parking is available at or near the library site and/or the Developer provides for the treatment and attenuation of stormwater from the library site within the Project's master stormwater system.
64. The Developer shall identify alternative plans for school sites. One plan shall identify two (2) school sites: one of which shall consist of a minimum twenty (20) upland useable acres and one of which shall consist of a minimum of thirty (30) upland useable acres. If feasible, a second plan may also identify one (1) site consisting of a minimum fifty (50) upland useable acres for two (2) schools. The District School Board of Pasco County (the "District") shall, under any and all conditions, have the absolute right to require conveyance of one (1) or both sites in accordance with this paragraph. The proposed sites shall be in a location and configuration that meet the District's needs, without material, adverse impact on the Developer's plan, and contemplate and give consideration to the location of age-restricted occupancy, if any. Conveyance of the selected site(s) shall take place within sixty (60) days of the written request by the District; i.e., within sixty (60) days of each request if both sites are separately requested. The proposed site(s) shall be free and clear of all liens, excluded from the boundaries of any special district, and exempt from all covenants and deed restrictions. In all events, the District shall be required to request the school site(s) within seven (7) years from the date of the issuance of the first residential CO of the Project, or the District shall be deemed to have waived its right to request the same. The County shall issue school impact fee credits to the Developer in an amount of Fifteen Thousand and 00/100 Dollars (\$15,000.00) per usable upland acre that is actually conveyed to the District. The said credits shall be issued after proof of the conveyance of the site(s) to the District is produced by the Developer to the County. Credits may be utilized by the Developer at its discretion subject only to the requirements of the Pasco County School Impact Fee Ordinance (the "Ordinance"), as amended. Should the Developer record restrictions requiring occupancy of all or a portion of the Project to be by persons at least fifty-five (55) years of age and otherwise qualifying as retirement units for purposes of the Federal Fair Housing Law, Section 760.29, Florida Statutes, and meeting the waiver requirements of the Ordinance, as amended, the Developer, the District, and the County may enter into an agreement that extinguishes unused impact-fee credits in exchange for the balance of the purchase price of the school site(s) to be paid in cash. In no event shall the Developer receive more than the equivalent of Fifteen Thousand and 00/100 Dollars (\$15,000.00) per usable upland acre in any combination of credits and cash. The Developer may review the architectural and site plans for the proposed construction on the site(s); however, the Developer acknowledges that Pasco County has no control over this matter and the Developer shall communicate its comments directly to the District on this matter. The Developer further acknowledges that the District will only receive Developer's comments, and the District shall have no obligation to accept, apply or utilize such comments.
65. Within 90 days of the Board's October 26, 2004, approval of this MPUD Master Planned Unit Development amendment, the developer shall convey to Pasco County a minimum of two useable, contiguous, upland acres for the purpose of a public service site. The site which shall be at a mutually agreed upon location to both the County and developer shall be within 1,500 feet of S.R. 52 and shall provide immediate and direct access to S.R. 52 unless otherwise approved by DRC. In the event that the parties cannot agree on a site, the developer agrees to pay Pasco County the amount of \$50,000.00 to acquire off-site property within 60 days of the County's request.
66. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
67. Unless required elsewhere within the conditions of approval, all conveyances required pursuant to this MPUD Master Planned Unit Development approval shall occur within 90 days, shall be in a form acceptable to the Real Estate Division, and shall be free and clear of all liens and encumbrances, including exclusion from the boundaries of any special districts and exemption from all covenants and deed restrictions.

Procedures

- 68. 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.
- 69. Development shall be in accordance with the approved revised Master Development Plan. All plans shall be governed by the Pasco County Land Development Code in effect at the time of submittal.
- 70. Any decisions or matters which, under the conditions of MPUD Master Planned Unit Development, require approval or allow modification by DRC or require approval by the Zoning Administrator, may be appealed in accordance with the Land Development Code, as amended.
- 71. Rezoning of this property with conditions of approval does not constitute DO nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by FDCA and Pasco County. There shall be no development within the project unless the developer complies with the provision of Chapter 380, Florida Statutes, and rules and regulations adopted pursuant thereto.
- 72. The County will use the data submitted in this rezoning application as the basis for County approvals of plans, unless otherwise stipulated herein.
- 73. Any decisions or matters which, under the conditions of the MPUD Master Planned Unit Development, require approval by DRC or allow modification by DRC, may be appealed to the Board and, where appropriate, to the courts.
- 74. The owner/applicant is hereby notified that the effective date of this approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Pasco County Growth Management/Zoning Department.

DEVELOPER'S ACKNOWLEDGMENT:

The developer acknowledges that he has read, understood, and accepted the above-listed conditions of approval.

12/3/04
(Date)

Gregory D. Bennett
GREGORY D. BENNETT, MANAGER
CANNON RANCH, LLC

I hereby certify on this 3rd day of December, 2004, A.D., before me personally appeared owner(s)/developer(s)/applicant(s), to me known to be the person(s) described in and who executed the foregoing document and severally acknowledged the execution thereof to be his/her/their free act and deed for the uses and purposes therein expressed.

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

My commission expires:
10/13/07
(Date)

Reina B. Fernandez
Notary Public, State of Florida at Large

