

**RUCKS
MASTER PLANNED UNIT DEVELOPMENT
CONDITIONS OF APPROVAL
REZONING PETITION NO. 6271**

Master Development Plans

1. Development shall be in accordance with the application, plans, and information submitted January 14, 2004, unless otherwise stipulated or modified herein.

Instructions

2. The developers shall submit, within 45 days of the Pasco County Board of County Commissioners 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 Growth Management Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions. Without the submittal and approval of revised plans, the preliminary plans/preliminary site plans will not be accepted for review.
 - a. Revise master plan to show only internal access to Parcel A (or any commercial).
 - b. Revise master plan to provide a minimum lot detail for the townhouse lots in accordance with Condition No. 37a.
 - c. Revise master plan to show minimum lot detail for single-family detached lots in accordance with Condition No. 37b.
 - d. Revise the master plan to remove reference of five-foot side-yard setback.
 - e. Revise master plan to show commercial square feet to be 120,000.

Open Space/Buffering

3. 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 (SWFWMD), 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.
4. The developers have submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
 - a. Prior to preliminary plan/preliminary site plan approval:

- (1) The applicants shall complete an updated Gopher Tortoise Survey and submit copies

5. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developers shall submit a copy of any required Incidental Take Permit issued by the FFWCC to the DRD.
6. The developers have submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on February 3, 2004. 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, 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 developers 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 developers.

Ordinances

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

Transportation/Circulation

Access Management

10. The developers shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
11. Prior to final site/construction plan approval of any project abutting a State roadway, the owners/developers 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, the owners/developers 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.

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.

15. All accesses shall be in conformance with Pasco County Access Management 2003.
16. No residential driveway access shall be allowed to U.S. 301, Crystal Springs Road, or Chancey Road.

Dedication of Right-of-Way

17. Crystal Springs Road shall remain a public roadway. All remaining subdivision roadways shall be public unless otherwise approved by the DRC prior to preliminary plan/preliminary site plan approval for that increment or phase.
18. In the case of private streets, dedication and maintenance shall be to 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. The developers shall convey at no cost to Pasco County right-of-way to total 135 feet for Crystal Springs Road for that portion which is contained within the development. The developers shall provide appropriate and sufficient drainage facilities at no cost to Pasco County on the developers' property, or at another site acceptable to the County, for mitigation for all impacts associated with the initial and future improvements of Crystal Springs Road. All conveyances shall occur at record plat, or where platting is not required, prior to the issuance of the first Building Permit or within 180 days of the County's request, whichever occurs first.
21. The developers shall convey at no cost to Pasco County right-of-way to total 67.5 feet from the centerline of Crystal Springs Road for that portion of Crystal Springs Road that abuts the property to the north and south. The developers shall provide appropriate and sufficient drainage facilities at no cost to Pasco County on the developers' property, or at another site acceptable to the County, for mitigation for all impacts associated with the initial and future improvements of Crystal Springs Road. All conveyances shall occur at record plat or within 180 days of the County's request.
22. The developers shall convey at no cost to Pasco County right-of-way to total 100 feet from the centerline of U.S. 301 for the entire length of the property abutting U.S. 301. The developers shall provide appropriate and sufficient drainage facilities at no cost to Pasco County on the developers' property, or at another site acceptable to the County, for mitigation for all impacts associated with the initial and future improvements of U.S. 301. All conveyances shall occur at record plat, or where platting is not required, prior to the issuance of the first Building Permit or within 180 days of the County's request, whichever occurs first.

Design/Construction Specifications

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 Metropolitan Planning Organization. Prior to approval of the first record plat for the affected increment or phase or where platting is not required prior to approval of the first construction plan/construction site plan, the developers shall construct the following site-related improvements:
 - a. The developers shall design Crystal Springs Road as a two-lane collector road, including all drainage that shall be accommodated in a drainage plan. The developers shall improve Crystal Springs Road from the southern boundary of the property, north to Chancey Road, to County standards and in accordance with Resolution No. 04-000, Guidelines for Design and Construction of

- c. At the intersection of U.S. 301 and Residential Drive 1 (future S.R. 56):
 - (1) Construct a northbound, right-turn deceleration lane with sufficient deceleration and taper length per FDOT Index No. 301.
 - (2) Construct a southbound, left-turn deceleration lane with minimum storage length of 100 feet and sufficient deceleration and taper length per FDOT Index No. 301.
 - (3) Prior to platting of the 301st residential unit, the developers shall pay \$75,000.00 for the signalization at the intersection of the proposed S.R. 56 and the existing U.S. 301.
- d. At the intersection of U.S. 301 and Residential Drive 2 (northern residential entrance):
 - (1) Construct a northbound, right-turn deceleration lane with sufficient deceleration and taper length per FDOT Index No. 301.
 - (2) Construct a southbound, left-turn deceleration lane with minimum storage length of 100 feet and sufficient deceleration and taper length per FDOT Index No. 301.
 - (3) Signalize when warranted.

25. Prior to the first preliminary plan/preliminary site plan approval, the following off-site improvements shall be completed or committed in the Pasco County or FDOT Capital Improvement Plan, or the developers shall enter into an agreement with the County requiring the developers to adequately mitigate the project's transportation impacts.

Off-site improvements include:

Signalization of the U.S. 301 and S.R. 39 intersection.

- 26. Prior to the first preliminary plan/preliminary site plan approval, the developers shall enter into a development agreement with Pasco County or, at the County's option, obtain Right-of-Way Use Permits for the construction of Crystal Springs Road and any off-site roadway improvements identified by the approved traffic study.
- 27. Prior to any final plat occurring after December 31, 2008, or preliminary site plan/construction site plan approval occurring after December 31, 2008, the developers 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.
- 28. The traffic study submitted by the applicants assumes the following land uses: 410 single-family lots, 100 condominium/townhouse units/lots, and 170,000 square feet of commercial. Any development of land uses that generate greater traffic impacts than those assumed shall require 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.
- 29. Prior to the first record plat, or where platting is not required, prior approval of the first construction plan/construction site plan, the developers shall provide a Letter of Credit acceptable to Pasco County for 125 percent of the proportionate-share cost of the signalization at the intersection of U.S. 301 and Residential Drive 2 (northern residential entrance). Prior to approval of the last record plat, or anytime at the County's request, the developers shall pay for and perform a signal warrant study. If warranted, the developers shall pay for the proportionate-share cost of signalization.
- 30. No access points are approved as shown on the master plan; therefore, prior to or concurrent with the first preliminary plan/preliminary site plan submittal, the developers shall submit a roadway alignment and construction phasing plan to the Growth Management Department for review. The plan shall include, at a minimum, intersection geometry, phasing, internal access points, and alignment for the

32. The developers 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.

Utilities: Drainage, Water Service, Wastewater Disposal

33. The developers shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
34. 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.
35. 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 developers and the County shall enter into a Utilities Service Agreement.
36. The developers shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.

Land Use

37. The residential design standards are as follows:
- a. Single-Family Attached Townhouses
 - (1) Minimum Lot Width of 25 Feet
 - (2) Minimum Lot Depth of 60 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet from the Back of the Sidewalk
 - (4) Minimum Side-Yard Setback of 7.5 Feet (15 Feet Between Buildings)

- b. Single-Family Detached (50' X 115')
 - (1) Minimum Lot Width of 50 Feet
 - (2) Minimum Lot Depth of 115 Feet
 - (3) Minimum Front-Yard Setback of 20 Feet
 - (4) Minimum Side-Yard Setback of 7.5 Feet
 - (5) Minimum Rear-Yard Setback of 15 Feet
 - (6) Maximum Lot Coverage of 50 Percent—Principal Structure
 - (7) Maximum Lot Cover of 15 Percent—Accessory Structure
- c. All development abutting the Hillsborough River, or the North Branch of the Hillsborough River, shall maintain a 50-foot setback from the mean annual flood line, as established by the SWFWMD. The setback shall remain in native vegetation and impervious surfaces are prohibited within the required setback. The 50-foot setback shall be shown on all preliminary/preliminary site plans and platted as a conservation/easement in favor of Pasco County, to be maintained by the homeowners' association or CDD.
- d. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
- e. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.
- f. The total aggregate number of dwelling units for Rucks MPUD Master Planned Unit Development shall not exceed 510.
- g. The maximum floor area for the commercial portion shall not exceed 120,000 square feet of gross floor area, including out-parcels.
- h. The commercial parcel(s) shall be developed in accordance with C-1 Neighborhood Commercial uses, including, but not limited to, a shopping plaza, and C-2 General Commercial, Specific Use for a grocery store in excess of 100,000 square feet only.
- i. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
- j. 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.
- 38. The developers shall submit and obtain Board approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment prior to any preliminary plan/preliminary site plan approval within such increment.
- 39. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.

owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

Procedures

43. Unless required elsewhere within the conditions of approval, all conveyances required pursuant to this MPUD Master Planned Unit Development approval shall occur within 180 days of the County's request, 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.
44. 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 five years after the rezoning approval, the conditions of approval and any density 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 Board, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
45. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developers shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
46. 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.
47. 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.
48. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.
49. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developers of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County.
50. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Division.

DEVELOPERS' ACKNOWLEDGMENT:

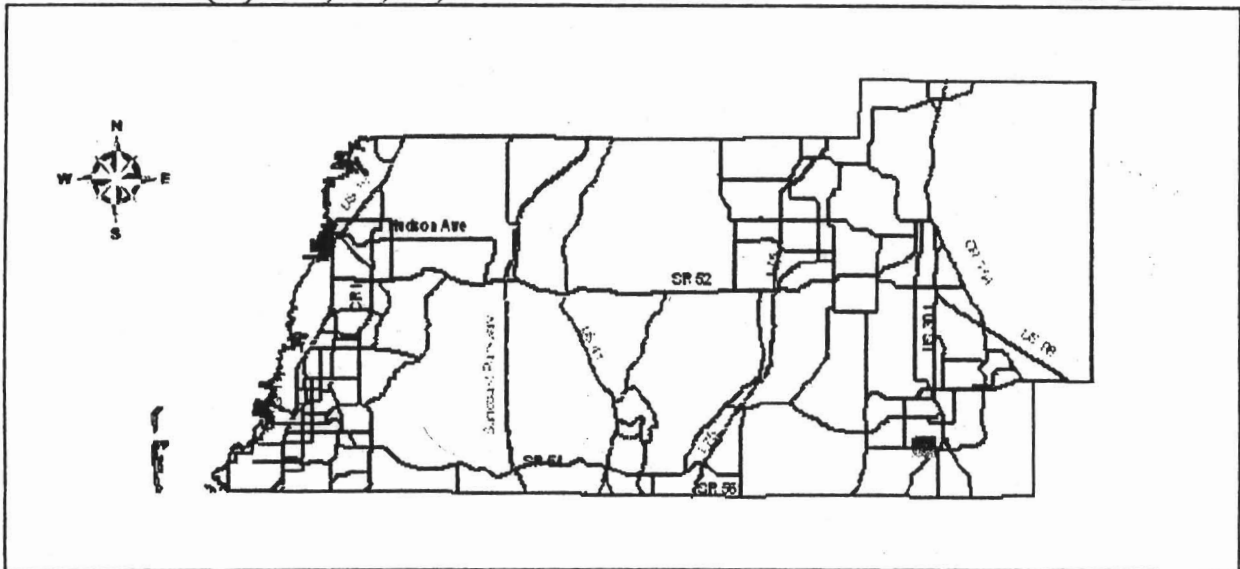
The developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval.

Jan 4 2005
(Date)

Jan 4 2005
(Date)

Neil E. Rucks
NEIL E. RUCKS
Rita M. Rucks
RITA M. RUCKS

PETITION # RZ6271
 SECTION(S): 22,23,26,27 T.26 S. R.21 E.



PASCO COUNTY, FLORIDA

