

**STARKEY RANCH DRI  
MASTER PLANNED UNIT DEVELOPMENT  
AMENDED AND RESTATED  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. RZ-7078**

**MODIFIED**

**PDD15-259; 12-4-2014**

**Master Development Plans & Prior Zoning Approvals**

1. Development shall be in accordance with the Comprehensive Plan Subarea Policy FLU 7.1.13, these conditions of approval and the approved Master Plan. In addition to the MPUD COA, each Parcel Developer shall comply with all Pasco County ordinances, including all impact/mobility fee ordinances.

**General**

2. Definitions. For purposes of this MPUD, the following terms and phrases shall have the meaning set forth below.
  - a. "Adult Lifestyle Area" means the area(s) designated by the Master Developer, at its option, for age-restricted, age-targeted marketing, or adult-lifestyle single-family residential use, or otherwise containing specific amenities intended to attract and support an adult lifestyle community. "CAO" means the Pasco County Attorney's Office.
  - b. "COA" means the Conditions of Approval of this MPUD zoning resolution or for a site plan.
  - c. "CO" means Certificate of Occupancy issued pursuant to the Pasco County Land Development Code (LDC).
  - d. "DA" means the Development Agreement between Pasco County and the Master Developer that applies to the Starkey Ranch, as may be amended from time to time.
  - e. "Dedication and Maintenance Areas" means all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, recreation areas, neighborhood parks and other

special purpose areas required to be set aside, dedicated or maintained pursuant to this MPUD rezoning, the Land Development Code, or by the Southwest Florida Water Management District (SWFWMD).

- f. "District Park/Library/Theatre/School Site Agreement" means the Starkey Ranch District Park/Library/Theatre/School Site Acquisition, Development, Shared Use and Management Agreement entered into between and among the Master Developer, Pasco County, and the District School Board of Pasco County, as it may be amended from time to time.
- g. "DRC" means the Pasco County Development Review Committee.
- h. "FPTC" means the Florida Progress Transmission Corridor
- i. "LDC" means the Pasco County Land Development Code, as amended from time to time.
- j. "Master Developer" means WS-TSR, LLC and its successors or assigns.
- k. "MRP" means the Master Roadway Plan for the Starkey Ranch MPUD.
- l. "MPUD" means the Starkey Ranch Master Planned Unit Development conditions of approval and master plan.
- m. "MUTRM" means Mixed Use Trip Reduction Measures as defined in the Land Development Code.
- n. "Neighborhood" means each neighborhood area as depicted on the MPUD Master Plan. The precise dimension of a Neighborhood may be affected by geographic constraints and other practical limitations, provided the basic tenets (including walkability) are preserved. Each Neighborhood includes an Activity Center, a Core, a General, and an Edge as further described herein.
- o. "Parcel Developer" means the person or entity submitting an application for development approval for lands subject to this MPUD zoning resolution, a person or entity developing land that is subject to this MPUD zoning resolution, or a person undertaking other activities that may be regulated by this MPUD zoning resolution, as the context may indicate.
- p. "Responsible Entity" means a mandatory property owners' association, homeowners' association, condominium association, merchants' association, community development district or other entity acceptable to the Southwest Florida Water Management District and/or the County that has the power to own property and levy assessments for the maintenance of any Dedication and Maintenance Areas under its ownership and control.

- q. "SWFWMD" means the Southwest Florida Water Management District.
- r. "TDR" means Transfer of Development Rights.

### **Open Space/Buffering**

- 3. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 1.3.1, and shown on all preliminary development plans/preliminary site plans and construction plans/construction site plans. Development shall comply with the wetland protection provisions of the Land Development Code as amended. In order to ensure the network of roadways and bicycle/pedestrian facilities, mix of uses, and development densities/intensities assumed in the County's timing and phasing and MUTRM analysis, and in order to ensure compliance with Pasco County Conservation Element Policy 1.5.4, wetland mitigation shall be located as depicted on the MPUD Master Plan which provides priority wetland mitigation locations adjacent to the J.B. Starkey Wilderness Preserve. Where there is a required upland buffer between wetlands identified on the MPUD Master Plan and development, upland buffer enhancement shall be provided. The upland buffer enhancement plan shall be submitted with the site plan.
- 4. The Master Developer or Parcel Developer shall complete a Gopher Tortoise Survey in accordance with the Florida Fish Wildlife Conservation Commission (FFWCC) survey guidelines. A copy of this survey shall be sent to the Planning and Development Department for further review and approval by the County Biologist and to the FFWCC prior to preliminary development plan/preliminary site plan approval. Each Parcel Developer shall submit survey results and any required permits for each parcel prior to issuance of the site development permit as applicable.
- 5. The Master Developer has submitted an environmental/habitat study which has been reviewed and found acceptable by County staff. The following conditions shall apply:
  - a. Prior to construction plan approval as applicable, the Parcel Developer shall conduct a preliminary wildlife survey for the presence of listed species. Copies of these surveys and any correspondence from the FFWCC shall be sent to the Planning & Development Department for further review upon construction plan

submittal as applicable. If nesting activity is observed, additional species specific surveys may be required as applicable.

- b. A deed restriction containing a compatibility notice shall be recorded by the Master Developer or Parcel Developer as applicable for residential lots adjacent to the J.B. Starkey Wilderness Preserve. The compatibility notice shall require and/or place the homeowner on notice of the following:
    - (1) Prescribed burning will be conducted within the J.B. Starkey Wilderness Preserve for purposes of fire management; and
    - (2) Certain activities including the following are prohibited in the J.B. Starkey Wilderness Preserve:
      - (a) The planting of exotic species
      - (b) Release or unleashing of exotic animals/pets
      - (c) The creation of private access to the J.B. Starkey Wilderness Preserve
      - (d) Unleashed pets
      - (e) Cutting or damaging of native vegetation.
      - (f) ATV activity
6. Prior to construction plan/construction site plan approval, the Parcel Developer shall submit to the Planning and 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 Parcel Developer shall submit to the Planning and Development Department a copy of the Environmental Resource Permit.
  7. The Master Developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County. Although no archaeological sites eligible for the National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work

shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

8. All Dedication and Maintenance Areas required to be established by this MPUD rezoning, the LDC, or the SWFWMD shall be conveyed to the applicable Responsible Entity unless said area(s) is/are required to be dedicated to another governmental or quasi-governmental entity. When an application for site plan or plat approval is submitted, the Parcel Developer shall identify the applicable Responsible Entity that shall be responsible for maintaining any Dedication and Maintenance Areas subject to the site plan or plat approval, and shall dedicate such areas to that entity. Recreation areas and neighborhood parks may be conveyed 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 governing documents for the Responsible Entity, including, as appropriate, Articles of Incorporation (with proof of filing with the Secretary of State, State of Florida), restrictive covenants, and all exhibits thereto, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey the above-mentioned areas to the Responsible Entity. Impact fee credits for improvements or dedications shall go to the Master Developer, Parcel Developer or Responsible Entity that funded such improvements as applicable, unless otherwise expressly agreed upon in writing among those parties.
9. Specific review and approval of the neighborhood parks will be conducted at each residential (including multifamily) preliminary development plan/preliminary site plan review in accordance with the DRC approval for the Starkey Ranch Master Parks Plan and related alternative standard.
10. The Master Developer has submitted a Master Pedestrian/Bike Path Plan to the Planning and Development Department which was considered and approved by the DRC on November 21, 2013.. Areas not specifically addressed on such pedestrian/bike path plan shall provide path circulation in accordance with the Pasco County LDC as amended or an alternative method acceptable to the County and in compliance with the handicapped provisions of Chapter 336.0465, Florida Statutes, or other applicable law.

11. Prior to the approval of this MPUD Modification, the Master Developer and Pasco County and the District School Board of Pasco County shall enter into the District Park/Library/Theatre/School Site Agreement which shall govern the terms and conditions of the collocated District Park/Library/Theatre/ School Site as generally located and depicted on the MPUD plan.
  
12. Potential Second Elementary School Site. Prior to the preliminary plan/preliminary site plan approval for the 2100<sup>th</sup> dwelling unit, the Master Developer shall identify on the MPUD Master Plan a location (including acreage) acceptable to the School Board and the County for a second elementary school. Prior to the preliminary plan/preliminary site plan approval for the 4000<sup>th</sup> dwelling unit or within one (1) year after written notification by the Master Developer, whichever occurs first, the School Board shall communicate in writing whether or not the second elementary school is required.
  - a. The Master Developer and the School Board will attempt to agree upon the fair market value of the second elementary school site within thirty (30) days after delivery of notification from the School Board to the Master Developer that the School Board has elected to purchase/acquire the second elementary school site. If the Master Developer and the School Board are unable to agree upon the fair market value for the site during such period, then each party will each appoint an appraiser meeting the criteria set forth below within seven (7) days after the expiration of such thirty (30) day period. Each appraiser must have at least five (5) years of full-time non-residential appraisal experience with projects comparable to the school site and shall be MAI certified. The appraiser shall comply with the 2012 – 2013 Uniform Standards of Professional Appraisal Practice, as described in Rule 61J1-9.001, Florida Administrative Code. No appraiser may have any material financial or business interest in common with either of the parties. The two (2) appraisers thus appointed will, within seven (7) days of their mutual appointment, together appoint a third appraiser meeting the foregoing criteria (the cost of which shall be split by the Master Developer and the School Board). Within forty-five (45) days after the last appraiser is appointed, each of the appraisers will review any submittals or other information the appraisers deem necessary, and each will submit his or her independent determination of the fair market value of the school site to both the Master

Developer and the School Board in sealed envelopes. The fair market value of the school site will then be established as follows:

- (1) If the determinations of at least two (2) of the appraisers are identical, the identical determination is the fair market value of the school site.
- (2) If the determination of at least two (2) of the appraisers are not identical, then the average of the three (3) determinations is the fair market value of the school site.

### **Transportation/Circulation**

#### **Access Management**

13. Each Parcel Developer shall provide a secondary functional access or emergency access in accordance with the LDC, unless otherwise provided pursuant to the Master Roadway Plan or as approved by the County. The emergency access may be barricaded in a manner found acceptable by the Planning & Development Department and the Fire Rescue Department.
14. Prior to construction plan/construction site plan approval of any project accessing a State roadway, the Parcel Developer shall furnish to the Planning & Development Department 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 CO, Parcel Developer shall provide a letter from the Florida Department of Transportation stating that any improvements within the State right-of-way have been inspected and completed to their satisfaction.
15. **Internal access points:** All internal access improvements shall be subject to compliance with the provisions of the County's access-management regulations and/or MUTRM standards as applicable at the time of preliminary plan/preliminary site plan. At each preliminary plan/preliminary site plan approval, the DRC or Planning and Development Department may also require further internal site-access/site-related intersection improvements and internal site-access/site-related roadway improvements except where otherwise approved in conjunction with the Master Roadway Plan.

16. **External access points:**

The Applicant/Developer has provided an access management study for the following external site access points/intersections:

- a) SR 54 / Gunn Hwy
- b) SR 54 / Trinity Blvd
- c) SR 54 / Starkey Blvd
- d) Starkey Blvd / Town Ave
- e) Starkey Blvd / Tower Road
- f) Project Access A as depicted on the Master Roadway Plan
- g) Project Access B as depicted on the Master Roadway Plan
- h) Project Access C as depicted on the Master Roadway Plan
- i) Project Access D as depicted on the Master Roadway Plan

17. The construction by the Applicant/Developer of the access improvements at each location in Condition #16 above as set forth in Attachment A shall vest the Project's Phase 1 entitlements against further required external access requirements for County purposes through December 31, 2031 subject to the following conditions (Note: Such improvements are subject to FDOT approval at the time of development and FDOT may require additional improvements as applicable):

- a. At the time of each preliminary plan/preliminary site plan submittal, the County shall check the proposed use against the land uses depicted in the Land Use Plan submitted in conjunction with the Access Management Study. If the proposed land use is different than what was assumed in the Access Management Study (in terms of ITE trip generation rates), additional or different improvements may be required than those set forth in Attachment A, if they exceed the alternative standard approved with this MPUD modification approved by the BCC on 12/17/13. Such access improvements shall be determined at the time of site plan approval in accordance with the County's (and/or FDOT's if applicable) access management regulations except for the alternative standard as approved as part of this MPUD modification approved by the BCC on 12/17/13.
- b. Trip Generation Monitoring
  - (1) Eighteen (18) months following construction plan approval for vertical construction of fifty (50) percent of the Phase 1 MPUD



entitlements in terms of the gross a.m. or p.m. peak-hour Project trip generation (based on the Trip Generation Monitoring Table attached hereto as Attachment D), or prior to construction plan approval for vertical construction of sixty (60) percent of the Phase 1 MPUD entitlements in terms of gross a.m. or p.m. peak-hour Project-trip generation (based on the Trip Generation Monitoring Table attached hereto as Attachment D), the Master Developer shall institute a monitoring program to compare current traffic counts with total future traffic projections (shown in Attachment E attached hereto and incorporated herein) from the Access Management Study on the following segments:

- (a) Trinity Boulevard north of the S.R. 54 intersection; and
  - (b) Gunn Highway north of the S.R. 54 intersection
- (2) Monitoring shall continue on a biennial basis until Project build-out and shall be submitted to the Planning and Development Department biennially from the date of commencement. Should the County Engineer or his/her designee determine (in between biennial reporting dates) that storage lane queues entering the Project from SR 54 at Gunn Highway and Trinity Boulevard are spilling into thru lanes on SR 54, the County Engineer or his/her designee may request an interim monitoring evaluation to evaluate and confirm if there is such a deficiency in storage length (to accommodate the queues) and propose possible improvements to cure such deficiency. Each monitoring event shall be conducted within a sixty (60) day period from the due date of each event to ensure that the counts are relatively current and shall be conducted when Pasco County schools are in session.
- (3) The monitoring program shall consist of weekday, a.m. and p.m. peak-hour directional counts from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., with subtotals at fifteen (15) minute increments at Gunn Highway and Trinity Boulevard (as identified in Condition No. 17(b)(1)). The sum of the trips at such two locations will be totaled in fifteen (15) minute increments and the highest four (4) consecutive fifteen (15) minute totals will be

summed to determine the total a.m and p.m. peak-hour trips at such locations. The total a.m. and p.m. peak-hour trips will be compared to the total future traffic forecasts identified in Attachment E.

- (4) The monitoring program shall also monitor the storage bays entering the site at the above intersections on S.R. 54 to ensure that the queues do not spill out onto thru traffic on S.R. 54.
  - (5) The results of each monitoring event shall be submitted to the County's Planning and Development Department.
  - (6) If monitoring results demonstrate that the total future traffic exceeds the projected traffic volumes identified in the Future Volume Table attached hereto as Attachment E or if the storage bays along S.R. 54 are inadequate to accommodate queues, the County may require a re-evaluation of the access management study and additional access improvements may be required. However, in no event shall the Master Developer be responsible for access improvements related to the trips generated or accountable to the District Park/Library/Theatre/School Site. As the Access Management Study (that established the access improvements in Attachment A) included an alternative standard to Section 901.3.E.3.b (maximum delay of 120 seconds at 1.2 V/C for Trip Reducing Projects), any access management re-evaluation shall utilize the exceeded standards as set forth in Attachment F (Intersection Analysis in 2035).
- c. The Master Developer or Parcel Developer shall design, permit, construct, and acquire right-of-way for such improvements at its sole expense. The Applicant/Developer shall be responsible for construction of all access improvements in Attachment A for the Project, unless otherwise approved by the DRC, prior to or concurrent with construction of infrastructure improvements to serve the portions of the Project necessitating such improvements as determined by the County at the time of preliminary site plan approval, and/or at the time of the issuance of Access Permits for the Project except where the DA, provides a different deadline for such construction.

Except where specifically allowed pursuant to these conditions of approval (set forth in Attachment A) or the DA, these improvements are not creditable against the mitigation obligation of the development or creditable against the mobility fee (or transportation impact fees if mobility fee opt out provision is invoked) requirements of the development.

#### Transportation Conditions

18. The Master Developer shall design, permit and acquire right-of-way (where necessary) and construct (or provide bonds/performance guarantees incident to concurrent/related subdivision plats as set forth below), the following three (3) intersection improvements as depicted and specified in Attachment A:
  - a. S.R. 54 and Gunn Highway:
    - (1) For any development taking access via the northern extension of Gunn Highway into the Project, the Master Developer shall complete construction of the required intersection improvements as follows:
      - (a) For residential development (other than multi-family), prior to the first record plat (or construction plan approval where platting is not required) for the 301<sup>st</sup> dwelling unit or
      - (b) For multifamily or non-residential development, prior to issuance of the first CO.
    - (2) In lieu of the requirement for actual completion of construction as set forth in (1) above, the Master Developer or Parcel Developer (as applicable) may provide a completion bond or other performance guarantee acceptable to the County, with a completion deadline date acceptable to the County, for such required intersection improvement, which may be bonded incident to subdivision platting for the related development parcel prior to completion of the bonded improvements. In such case, the required intersection improvements also may be bonded in the same manner as the related parcel/subdivision plat improvements, which bond (and performance thereunder) shall satisfy this condition.

- b. S.R. 54 and Trinity Boulevard
- (1) For any development taking access via the northern extension of Trinity Boulevard into the Project, the Master Developer shall complete construction of the required intersection improvements as follows:
    - (a) For residential development (other than multi-family), prior to approval of the first record plat (or construction plan approval where platting is not required) for the 301<sup>st</sup> dwelling unit; or
    - (b) For multifamily or non-residential development, prior to issuance of the first CO.
  - (2) In lieu of the requirement for actual completion of construction as set forth in (1) above, the Master Developer or Parcel Developer (as applicable) may provide a completion bond or other performance guarantee acceptable to the County, with a completion deadline date acceptable to the County, for such required intersection improvement, which may be bonded incident to subdivision platting for the related development parcel prior to completion of the bonded improvements. In such case, the required intersection improvements also may be bonded in the same manner as the related parcel/subdivision plat improvements, which bond (and performance thereunder) shall satisfy this condition.
- c. S.R. 54 and Starkey Boulevard
- (1) For any development taking access via the northern extension of Starkey Boulevard into the Project, the Master Developer shall complete construction of the required intersection improvements as follows: :
    - (a) For residential development (other than multi-family), prior to the first record plat (or construction plan where platting is not required) for the 301<sup>st</sup> dwelling unit; or
    - (b) For multifamily or nonresidential development, prior issuance of the first CO.
  - (2) In lieu of the requirement for actual completion of construction as set forth in (1) above, the Master Developer or Parcel Developer (as applicable) may provide a completion bond or other performance guarantee acceptable to the County, with a completion deadline date acceptable to the County, for such required intersection improvement, which may be bonded incident to subdivision platting for the related development parcel

prior to completion of the bonded improvements. In such case, the required intersection improvements also may be bonded in the same manner as the related parcel/subdivision plat improvements, which bond (and performance thereunder) shall satisfy this condition.

19. Prior to (a) the final plat approval (or construction plan approval where no plat is required) for the equivalent of 1500th single-family detached units in non-exempt gross p.m. peak hour trips, or (b) December 31, 2019, or (c) the first preliminary development plan submittal within the Downtown, whichever occurs first, the developer shall prepare and obtain County approval of a transit accommodations plan. The transit accommodations plan shall be consistent with the most current interim and long-term studies, analysis, design, construction and/or operation of mass transit facilities and/or managed lanes for the S.R. 54 corridor. The transit accommodations plan shall, at a minimum, address the following: (1) reservation or dedication of right of way/land for transit related facilities and travel lanes, (2) reservation and/or construction of parking spaces for transit, (3) physical accommodations for transit riders (shelters, benches, bike racks etc.), and (4) connecting bicycle and pedestrian facilities. Notwithstanding the foregoing deadlines, any required right of way dedications for transit related facilities and travel lanes shall be made within 90 days of the County's request. Mobility fee credit for transit facilities and land shall be addressed in accordance with the County's mobility fee regulations. The requirements of this paragraph are timing and phasing requirement to mitigate the development's impacts to S.R. 54, and shall not be affected by the County's elimination of transportation concurrency.
20. The Master Developer and/or Parcel Developer shall comply with the County's design guidelines for transit facilities, including but not limited to bus stops, shelters, benches and bike racks.
21. The project complies with the Pasco County MUTRM requirements and is therefore (a) entitled to any subsequently adopted mobility fee reductions available to MUTRM projects, and (b) eligible for any existing mobility fee reductions for TND uses, subject to compliance with the County's TND regulations (Section 601 of the LDC), which allow for alternative standards.

22. All roads that will be used to access public-purpose sites, such as public school, public park, library, and fire/rescue sites (as determined by the School Board, Parks and Recreation Department, Libraries Services Department, Fire Rescue Department, or DRC, as applicable) shall be public roadways and constructed in accordance with applicable County/FDOT design, construction, and signage standards; e.g., Chapter 316, Florida Statutes, and *Manual of Uniform Traffic Control Devices* standards. Such roadways shall be deeded in fee simple to the County or FDOT, as applicable, prior to or concurrent with the first record plat containing such roadways or where no record plat is required, prior to or concurrent with the issuance of the first CO for a building utilizing such roadways. As defined in the Master Roadway Plan, frontage roads shall not be required to be public or dedicated to the County or FDOT. However, such roads if private shall require a public access easement, which shall be recorded in a form acceptable to the CAO prior to or concurrent with the first record plat containing such roadways or where no record plat is required, prior to or concurrent with the issuance of the first CO for a building utilizing such roadways.
23. Access to any commercial out-parcels shall be provided from frontage roads, internal roads, internal drives or parking areas unless otherwise approved by the County.
24. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary development plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.

#### Dedication of Right-of-Way

25. Public roadways shall be required unless shown or stated in the Master Roadway Plan or otherwise approved by the County through an alternative standards request prior to

the applicable preliminary development plan/preliminary site plan approval, or except as provided in Condition No. 22.

26. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate Responsible Entity other than Pasco County.

27. All right-of-way dedication shall be as follows:

**Starkey Right of Way Dedication Requirements**

<b>Roadway</b>	<b>Link</b>	<b>R.O.W. Dedication Width (feet)*</b>	<b>Timing of Dedication</b>
Tower Road.	From Eastern Project Boundary to Starkey Boulevard	142 feet	Upon completion of construction and final acceptance by the County or within 90 days of the County's request, whichever occurs first.
Gunn Hwy Extension	From S.R. 54 to Tower Road	142 feet	Upon completion of construction and final acceptance by the County, or within 90 days of the County's request whichever occurs first
Trinity Boulevard Extension	From SR 54 to Road A/B	142 feet	Upon completion of construction and final acceptance by the County, or within 90 days of the County's request whichever occurs first

\* ROW deviations and alternative standards from County's standard roadway typical sections for collector and arterial roadways may be requested in conjunction with the Master Roadway Plan in order to accommodate urban standards such as TND, TOD, etc. Design/Construction Specifications

28. No excavation within the area of future lanes of multilane facilities will be allowed with the exception of excavation for drainage structures, permitted removal of wetlands, excavation to match existing grade, or as directed by the Engineering Services Director.

29. Alternative roadway-design standards may be considered and approved by the County at the time of each preliminary development plan/preliminary site plan approval.
30. Pursuant to Pasco County Ordinance 11-08, Starkey Ranch MPUD is located within the County's adopted Urban Service Area set forth in the LDC and is exempt from transportation concurrency subject to compliance with the County's mobility fee regulations.
31. Except as otherwise authorized by the DA, prior to final plat approval or where platting is not required, prior to the issuance of any building permits occurring after the Phase 1 build-out date the Master Developer shall submit an updated traffic analysis/Timing & Phasing Study utilizing a methodology approved by Pasco County. The County may impose additional conditions based upon such analysis as approved by Pasco County.
32. Prior to the first preliminary development plan/preliminary site plan submittal, the Master Developer shall submit a Master Roadway Plan to the Planning and Development Department for review. The plan shall include, at a minimum, right-of-way widths, roadway cross sections, number of lanes, intersection geometry, phasing, design speed, internal access points, required interconnects, and alignment for major County collector and arterial roadways within the MPUD Master Planned Unit Development and as depicted on the MPUD Master Plan. The plan shall also demonstrate compliance with the County's collector and arterial design and spacing standards of the LDC and the Street and Road Network criteria set forth in the Starkey Ranch PD Subarea Policy FLU 7.1.13. Approval of this plan must be obtained from the DRC prior to the first preliminary development plan/preliminary site plan approval. As part of the Master Roadway Plan review and approval process, the County shall reserve the right to require specific deadlines for completion of construction for any portion of these roads and intersections. (Completed – DRC approved 11/21/2013).
33. In the event the applicant/landowner elects to, or is required to, cross or utilize Progress Energy's land near Starkey Boulevard, and elects to utilize the County's rights in paragraph 6 of the Agreement Relating to Kathleen to Zephyrhills North Transmission Line #2, Otis Allen Road, Wire Road and Connections to Starkey Boulevard on file with the Planning & Development Department (the "Transmission Line #2 Agreement"), the



applicant/landowner shall comply with the County's obligations in paragraph 6 of the Transmission Line #2 Agreement, including, but not limited to, paying for the cost of preparing and submitting design plans and appraisals to Progress Energy, and paying for all closing and recording costs.

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

34. The Parcel Developer shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County LDC. 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 Planning & Development Department.
  
35. A Utilities Service Plan (f/k/a Master Utility Plan) shall be submitted by the Master Developer to the Utilities Services Branch for review and approval. This 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 as applicable.
  - e. The Utility Service Plan shall be presented in a written format in conformance with the Utilities Service Plan guidelines implemented by the Utilities Services Branch. All development shall be consistent with the Utility Service Plan. Unless otherwise approved by the County, prior to the first construction plan/construction site plan approval after the approval of this MPUD , the Master Developer and the County shall enter into a Utilities Service Agreement that is consistent with the approved Utilities Service Plan (f/k/a Master Utility Plan).

36. Each Parcel Developer shall construct all water and wastewater facilities within its development to Pasco County standards, and if necessary, provide off-site water and wastewater facilities, necessary to serve its development. A complete set of instructions may be obtained from the Utilities Services Branch.
37. Water Rights & Water Use Permits: In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the Master Developer or Parcel Developer, as applicable, and its successors and assigns, agree to the following:
  - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the Master Developer or Parcel Developer, as applicable, shall grant Pasco County access to, and shall cooperate with the County in the allocation of water generated within the project pursuant to any and all Water Use Permits or water-use rights the Master Developer or Parcel Developer, as applicable, may have to use or consume surface or ground water within Pasco County.
  - b. Prior to the Master Developer or Parcel Developer, as applicable, selling water, Water Use Permits, or water-use rights, the Master Developer or Parcel Developer, as applicable, 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.

#### Water Quality and Drainage

38. Development shall not result in Levels of Service for off-site drainage structures below acceptable standards as established in the adopted Pasco County Comprehensive Plan and LDC.
39. All stormwater-management systems shall be designed, constructed, and maintained to meet or exceed the Florida Administrative Code, Chapters 62-25, and 40D-4, or 40D-40; and Pasco County stormwater-management requirements as may be amended from time to time. Treatment shall be provided by biological filtration wherever feasible. Best Management Practices for reducing adverse water quality impacts as required by the

regulations of Pasco County and other appropriate regulatory bodies shall be implemented where practical. In addition, each Parcel Developer shall comply with the following design requirements:

- a. All swales shall be fully vegetated and operational.
  - b. Dry stormwater retention/detention areas, including side slopes and bottoms, shall be vegetated as required.
  - c. Each Parcel Developer or other applicable Responsible Entity shall ensure that the stormwater-management system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Environmental Resource Permit.
  - d. Should the Parcel Developer or Responsible Entity discover that any portion of the stormwater system is not being adequately maintained or that the system is not functioning properly, the Parcel Developer or Responsible Entity shall, within seven days, report such fact to the County and shall promptly undertake any necessary repairs or modifications to the system. The report(s) shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since the previous report(s).
  - e. Landscape and irrigation shall be in conformance with the LDC in effect at the time of preliminary development plan/site plan approval.
40. The Master Developer shall provide easements for or irrevocable license agreements with either the SWFWMD, TBW, the Florida Department of Environmental Protection (FDEP), and/or the County to continue monitoring the following sites as depicted on Attachment G:
- a. JB Starkey 3 Upland Surficial - UID No. 1926
  - b. JB Starkey 3 Wetland Surficial - UID No. 1927
  - c. JB Starkey 3 Staff Gage - UID No. 489
  - d. Starkey Ranch Floridan - UID No. 10772
  - e. Starkey Ranch Surficial - UID No. 10800
  - f. SC 67
  - g. SC 68
  - h. SC 71

41. Stormwater design by the Master Developer or Each Parcel Developer as applicable shall include low impact development techniques to reduce the discharge of pollutant loads into receiving water bodies and to facilitate all stormwater exiting the site in meeting all applicable State and Federal water quality standards.
42. The Pasco County Planning & Development Department shall be copied on any groundwater monitoring and/or surface water monitoring reports as may be required by SWFWMD or FDEP throughout the development or post-development process. In the event the FDEP, SWFWMD, or the County determines there is a violation of any State or Federal water quality standard, the specific construction or other activity identified as causing the violation shall cease until the violation is corrected.

#### Water Resource Protection

43. The Master Developer, each Parcel Developer, and/or Responsible Entities shall comply with the Pasco County Wellhead Protection Ordinance.
44. Should any noticeable soil slumping or sinkhole formation become evident, the Parcel Developer shall immediately notify the County, TBW, and the SWFWMD, and adopt one or more of the following procedures as determined to be appropriate by the County and the SWFWMD:
  - a. If the slumping or sinkhole formation becomes evident before or during construction activities, stop all work (except for mitigation activities) in the affected area and remain stopped until the County and the SWFWMD approve resuming construction activities.
  - b. Take immediate measures to ensure that no surface water drains into the affected areas.
  - c. Visually inspect the affected area.
  - d. Excavate and backfill as required to fill the affected area and prevent further subsidence.
  - e. Use geotextile materials in the backfilling operation, when appropriate.

- f. If the affected area is in the vicinity of a water retention area, maintain a minimum vertical distance of five feet from the bottom of the retention pond to the surface of the limerock clay or karst connection.
  - g. If the affected area is in the vicinity of a water retention area and the above methods do not stabilize the collapse, relocate the retention area.
45. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Floridan Aquifer is prohibited.
46. The historic, average rainfall volume discharged from the site shall be maintained in accordance with the LDC, Sections 604, 605, and 606, as applicable, and the *Stormwater Management Practices Manual*.

**Land Use**

47. Land Use maximums shall be in accordance with the following Land Use Table and may be exchanged by the Master Developer in accordance with the Land Use Equivalency Matrix attached hereto as Attachment B and incorporated herein. Land use exchange requests shall be submitted to the Planning and Development Department for verification as to implementation and administrative approval in accordance with the Land Use Equivalency Matrix.

**Land Use Table**

<b>Development Category*</b>	<b>Phase 1 Totals</b>	<b>Phase 2 Totals</b>
<b>Residential (du) <sup>(3)</sup></b>	<b>4,272</b>	<b>913</b>
Townhouses (du)	(454)	(46)
Apartments (du)	(700)	
Single-Family (du) <sup>1</sup>	(3,118)	(867)
<b>Commercial/Retail (square feet)</b>	<b>170,000</b>	<b>30,000</b>
<b>Hotel (rooms)</b>	<b>220 <sup>(4)</sup></b>	

<b>Office (square feet)</b> Office Medical Office	<b>150,000</b> <sup>(1)</sup>	<b>56,500</b> <b>43,500</b>
<b>Light Industrial</b>	<b>100,000</b>	<b>200,000</b>
<b>Schools, Colleges, Universities, Churches, Cemeteries, Community Centers, Government Buildings and Facilities</b>	<b>See Footnote (2)</b>	

(1) Office and Light Industrial entitlements within the Starkey Ranch DRI may be exchanged with each other but shall not be exchanged or traded off for any other approved uses in the project.

(2) For colleges, universities, churches, cemeteries, community centers, and non-District School Board of Pasco County schools, there shall be no maximum if the total building footprint at time of site plan is under or equal to 20,000 square feet. For development of facilities that are larger, a land use exchange in accordance with the LUEM shall be required. If the proposed use is not listed in the LUEM, the Master Developer shall provide the applicable ITE code and conversion rate as applicable. There is no maximum number or square footage limitation for District School Board of Pasco County schools and government buildings and facilities.

(3) Includes no more than 1,010 Suburban/Designated Central Neighborhood MUTRM Exempt residential units north of Tower Road as set forth in these conditions of approval.

(4) Hotel use shall be allowed in either or both of the Business Park and Downtown Neighborhood areas of the MPUD Plan.

48. The Master Developer shall control the initial allocation, exchange, advancement and assignment of all development entitlements and land uses to lands within the Starkey Ranch MPUD, by written instrument executed by an authorized officer of the Master Developer as described below. Submittal of any preliminary development plan/preliminary site plan that utilizes land use entitlements within the Project shall include a copy of an "Assignment of Starkey Ranch MPUD Entitlements" that:
- a. Specifically identifies the type and number of entitlements assigned to the site plan that is the subject of the permit application.
  - b. Is dated and executed by the Master Developer or its successors in interest, witnessed by two witnesses and notarized.

- c. Includes an accurate metes and bounds legal description of the specific area to which the entitlement shall have been assigned.
- d. Is recorded in the public records of Pasco County, Florida.

### **Development Pattern**

49. As depicted on the MPUD Master Plan, the development pattern of the Project consists of four (4) neighborhoods (Downtown Neighborhood, Central Neighborhood, Western Neighborhood and Longleaf Neighborhood), a business park, suburban residential areas, and an optional adult lifestyle area. Neighborhoods shall be defined as consisting of a Neighborhood Core Neighborhood General, and Neighborhood Edge as further defined below. Each Neighborhood is anchored by an activity center (within each Neighborhood Core) consisting of a park and one or more other non-residential uses as further defined below.

a. **Neighborhood Core**

- (1) Definition. The area depicted in brown and designated as Neighborhood Core on the Master Plan that provides pedestrian walkability and an activity center.
- (2) Development Standards
  - (a) Streets in Neighborhood Cores are arranged in a densely interconnected block pattern, which may be curvilinear, organic or rectilinear in design.
  - (b) Blocks within each Neighborhood Core shall have an average perimeter not to exceed 1,320 feet, measured at the property/right-of-way line of surrounding streets, mid-block pedestrian passages or mews, but not including alleys, cul-de-sacs and closes included within a block. If a majority of the area of a given block lies within the Core, it shall be included in calculating this average.
  - (c) Exceptions to the block perimeter requirements may be administratively approved in order to accommodate natural wetland preservation areas five (5) acres or greater, provided the general intent of interconnectivity is met. Lots at the edge of a neighborhood adjacent to wetlands, ponds, upland

conservation areas, Progress Energy Transmission Corridor, neighboring developments or State Road 54, are not required to be included in the block perimeter average calculation.

- (d) If the average block perimeter requirement cannot be met for reasons other than those listed in the Development Standards above, a 5% variation may be administratively approved by the Planning and Development Department.
  - (e) Lot standards other than the default standards below and street standards shall be subject to approval by the Planning and Development Department prior to or concurrent with Preliminary Development Plan/Preliminary Site Plan approval (see Submittal Requirements below).
  - (f) Squares, parks or plazas of at least 1/6 of an acre in size may be counted toward the requirements for neighborhood parks. Squares, parks or plazas less than 1/4 acre in size shall contain hardscape and/or a programmatic element such as seating, sculpture, fountain, or play structure. Additional parks and open spaces of varying size and character shall be dispersed throughout residential areas.
- (3) Required Core Mix – Each Neighborhood Core shall contain a discernible activity center (which may be located anywhere within the neighborhood core) consisting of a square, park, or plaza of at least 1/6 of an acre in size plus one or more of the following non-residential uses:
- (a) Commercial/Retail. Commercial/Retail may be in a single-story, mixed-use or live-work building(s). First floors of mixed-use buildings may be an interim residential use as long as they are designated to be convertible to commercial/retail or office use in the future.
  - (b) Office.
  - (c) Institutional/Civic.
  - (d) The existing Downtown Longleaf, the District Park/Library/Theatre/School site, and the Downtown shall satisfy the required uses of three of the four required neighborhood cores.



- (4) **Submittal Requirements.** Prior to or concurrent with Preliminary Development Plan/Preliminary Site Plan submittal for any development within a Neighborhood Core, Developer shall submit the following for approval by the County Planning and Development Department:
- (a) A block plan for the entire Neighborhood Core area, demonstrating compliance with the average block perimeter requirement. Block plan shall include all required streets, trails and neighborhood street through-connections depicted on the MRP. The block plan may vary from the adopted MPUD plan as long as the average block perimeter requirements are met as determined by the Planning and Development Department.
  - (b) A non-binding conceptual block plan for the adjacent 200 feet to the Neighborhood Core demonstrating the ability to connect streets into those areas.
  - (c) Designation and location of the minimum required uses.
  - (d) Development Standards for the Neighborhood Core including street types and lot standards (if different from the default development standards described below), parking, and commercial use building frontage requirements (as applicable). Additional development standards may be proposed and are subject to approval by the Planning and Development Department. All development standards shall demonstrate compliance with the Starkey Ranch PD Land Use Designation (Subarea Policy FLU 7.1.13).
- (5) **Downtown Neighborhood.**
- (a) **Definition.** The Downtown Neighborhood is located at the intersection of S.R. 54 and the Gunn Highway Extension and extends between the Activity and the Business Park as depicted on the MPUD Master Plan. The entire Downtown Neighborhood is to be developed as Neighborhood Core. The Downtown shall be the primary commercial, office, retail, and entertainment center for the Project.

(b) In addition to the foregoing Neighborhood Core requirements, the following shall apply to the Downtown:

(i) Required Mix of Uses. The Downtown shall contain a discernible activity center consisting of:

- 1) A square, park, or plaza of at least 1/6 of an acre in size
- 2) A minimum of 10 acres of non-residential uses. Vertically mixed-use buildings that provide non-residential uses on the ground floor shall count toward meeting this requirement.
- 3) A minimum of 10 acres of residential uses. Vertically mixed-use buildings that provide residential uses on upper floors shall count toward meeting this requirement.
- 4) Residential uses are permitted in the Downtown subject to a minimum of 6 dwelling units per acre net of conservation areas, drainage areas, parks, and right-of-way. A mix of medium density residential, employment, commercial and civic uses including vertically mixed uses is encouraged.

(ii) Arrangement of Uses

- 1) To the greatest extent practical, building types and uses shall be arranged to promote pedestrian activity using urban design techniques, including the use of "A" (pedestrian-friendly) and "B" (automobile-oriented) streets. "B" streets shall not be required to be dedicated to Pasco County, as long as they are publicly accessible.
- 2) Enhanced pedestrian walkways, in connection with drive aisles and access ways, may be used in order to create blocks consistent with the block perimeter requirements as determined by the Planning and Development Department.

- 3) Automobile-oriented building types, streets and uses should be located close to State Road 54; large parking lots should be avoided, or surrounded by “liner” buildings if practical.
- 4) Uses, buildings and infrastructure should be configured to facilitate the re-use and/or redevelopment of buildings, building sites and blocks toward greater density and intensity over time.

b. **Neighborhood General.**

- (1) Definition. The area depicted on the Master Plan in Beige as “Neighborhood General”.
- (2) Development Standards
  - (a) All blocks within Neighborhood General shall have a perimeter not greater than 2,640 feet, measured at the property/right-of-way line of surrounding streets and mews, but not including alleys, cul-de-sacs and closes included within a block. Blocks greater than 2,100 feet in perimeter shall include a mid-block pedestrian passage. If a majority of the area of a block lies within the Neighborhood General, it shall comply with this requirement.
  - (b) Exceptions to the block perimeter requirements may be administratively approved at the time of site plan review in order to accommodate natural wetland preservation areas five (5) acres or greater, provided the general intent of interconnectivity is met. Lots at the edge of a neighborhood adjacent to wetlands, ponds, conservation areas, Progress Energy Transmission Corridor, neighboring developments or State Road 54, are not required to be included in the block perimeter calculation.
  - (c) If the average block perimeter requirement cannot be met for reasons other than those listed in the Development Standards above, a 5% variation may be administratively approved by the Planning and Development Department.

- (d) Streets shall connect to those in surrounding development areas (Neighborhood Core and Neighborhood Edge) to the greatest extent feasible.
  - (e) The western portion of the Downtown Neighborhood within ¼ mile of State Road 54 between the Activity Center and the Business Park shall have a minimum density of 6 dwelling units per acre net of conservation areas, drainage areas, parks and rights of way.
  - (f) Development Standards shall comply with the default development standards set forth below, unless otherwise approved by the Planning and Development Department concurrent with Preliminary Development Plan/Preliminary Site Plan (see Submittal Requirements).
- (3) Submittal Requirements. Prior to or concurrent with Preliminary Development Plan/Preliminary Site Plan submittal for any development within a Neighborhood General, the Master Developer shall submit the following for approval by the Planning and Development Department:
- (a) A block plan for the proposed development area, demonstrating compliance with the maximum block perimeter requirement. Block plan shall include all required streets, trails and neighborhood street through-connections depicted on the MRP. The block plan may vary from the adopted MPUD plan as long as the average block perimeter requirements are met as determined by the Planning and Development Department.
  - (b) A non-binding conceptual block plan for the adjacent 200 feet to the Neighborhood General demonstrating the ability to connect streets into those areas.
  - (c) Development standards, if different from the default standards set forth below may be proposed at the time of site plan submittal and are subject to approval by the Planning and Development Department. All development standards shall demonstrate compliance with the Starkey Ranch PD Land Use Designation (Subarea Policy FLU 7.1.13).

c. **Neighborhood Edge (MUTRM-Exempt Area)**

- (1) Definition. The Neighborhood Edge shall be defined as MUTRM exempt areas where the blocks within each neighborhood are adjacent to wetlands, ponds, conservation areas, Progress Energy Transmission Corridor, neighboring development or State Road 54.
- (2) Development Standards
  - (a) Blocks within the Neighborhood Edge will not be restricted to average block perimeter lengths due to the above constraints.
  - (b) Streets shall connect to those in surrounding development areas to the greatest extent feasible.
- (3) The Central Neighborhood Edge MUTRM-Exempt units north of Tower Road as depicted on the MPUD Master Plan shall count toward the 1,010 suburban unit cap.

Development Standards shall comply with the default development standards attached hereto as Attachment C, unless otherwise approved by the Planning and Development Department concurrent with Preliminary Development Plan/Preliminary Site Plan.

50. Mixed Use Trip Reduction Measures (MUTRM). Development in conformance with the standards for the Neighborhoods in Condition No. 49 shall be deemed in compliance with the MUTRM requirements.

51. **Suburban Areas**

- (1) Definition. The Suburban Areas shall be defined as those areas outside the Neighborhoods, and Business Park as depicted on the MPUD Master Plan as Suburban and/or Adult Lifestyle Area if applicable.
- (2) The maximum number of Suburban residential units that do not comply with the street network density/maximum block perimeter requirements in Condition No. 49.c.(2) shall be 1,010 (referred to as "Suburban Units"). The Master Developer may proceed with up to 300 Suburban Units (including the designated Central Neighborhood Edge MUTRM Exempt Units north of Tower Road) prior to Downtown development or connection to Downtown Longleaf provided that such designated Central

Neighborhood Edge MUTRM Exempt Units north of Tower Road have pedestrian and vehicular access to the District Park/Library/Theatre/School Site. However, no greater than 300 Suburban Units (including the designated Central Neighborhood MUTRM Exempt units north of Tower Road) may seek preliminary development plan approval before either:

- (a) The construction of a supermarket or 50,000 square feet of non-residential entitlements in the Downtown at Gunn Highway/S.R. 54 and the construction of a complete street, bicycle, and pedestrian network that connects the Suburban/Central Neighborhood MUTRM Exempt Units north of Tower Road to the Downtown at Gunn Highway/S.R. 54; or
- (b) The construction of a complete street, bicycle, and pedestrian network that connects the Suburban Units to Downtown Longleaf.

If the Master Developer chooses to seek preliminary development plan approval for greater than 300 Suburban/Central Neighborhood MUTRM Exempt Units north of Tower Road prior to performance of either option (a) or option (b), above, then an analysis approved by the County must be submitted that demonstrates compliance with Section 901.3.E, LDC including the 1.0 Volume to Capacity ratio.

- (3) Prior to the submittal of a preliminary development plan for 301<sup>st</sup> Suburban/MUTRM Exempt Units north of Tower Road after the County completes the right-of-way/alignment study for managed lanes/transit for the S.R. 54 corridor, the transit accommodations plan referenced in Condition No. 19 shall be submitted and approved. The foregoing requirements/restrictions shall not apply to any units in the Suburban Areas that comply with the street network density/maximum block perimeter requirements in Condition No. 49.
- (4) **Adult Lifestyle Area(s)**
  - (a) Definition. The Adult Lifestyle Area shall be at the option of the Master Developer, and not mandatory. If so designated by the Master Developer, the Adult Lifestyle Area(s) shall be

located within the geographic area(s) conceptually depicted on the MPUD plan; provided, however, that such area(s) may be re-designed by the Master Developer from time-to-time, subject to administrative approval of a map amendment by the County to reflect such designation. Any such designation also must otherwise be consistent with the applicable conditions of approval for such portions of the MPUD, except as expressly provided herein.

- (b) If the Master Developer and/or Parcel Developer opt to construct any such Adult Lifestyle Area that is intended by the Master Developer to constitute a formal “age-restricted community” for the purposes of implementing the specific provisions of the LDC applicable to such formal, “age-restricted communities,” must be subjected by the Master Developer to recorded deed restrictions in accordance with the applicable provisions of the LDC. If the Master Developer or Parcel Developer seeks a reduction or waiver of mobility fees, school impact fees, or transportation obligations based on age restricted housing, the deed restrictions shall comply with Section 1302.1.D, LDC.
- (c) The blocks within any Adult Lifestyle Area shall not be required to meet any block perimeter requirements, and such communities may be gated with controlled access at the option of the Master Developer or Parcel Developer.
- (d) Adult Lifestyle units shall count towards the maximum 1,010 suburban units.

**52. Business Park**

- a. Definition. The Business Park as designated on the MPUD Master Plan shall be the primary employment center of the project.
- b. Required and Allowable Uses. The Business Park shall contain a minimum of 250,000 square feet of light industrial, office, and/or Target Primary Business. Support retail uses such as restaurants, banks, day-care centers, dry cleaners, hotels/motels and similar uses are permitted in the Business Park.

- c. Submittal Requirements. Prior to or concurrent with Preliminary Development Plan/Preliminary Site Plan submittal for any development within the Business Park (with the exception of an interim Welcome Center), the Master Developer shall submit the following for approval by the Planning and Development Department:
  - 1. A street plan for the entire Business Park area, which shall include all existing street connections and required streets, trails and neighborhood street through-connections depicted on the MRP. The plan may vary from the adopted MPUD plan as long as the required streets and connections are included as determined by the Planning and Development Department.
  - 2. A non-binding conceptual block plan for adjacent development areas within 200 feet of Business Park, demonstrating the ability to connect streets into those areas.
- d. Development standards, if different from the Lot Standards set forth below. Additional development standards may be proposed at the time of site plan submittal, but shall be subject to approval by the Planning and Development Department. All development standards shall demonstrate compliance with the Starkey Ranch PD Land Use Designation (Subarea Policy FLU 7.1.13).

### **Allowable Uses and Development Standards**

- 53. Commercial/Retail. All C-1 permitted uses shall be permitted uses for the areas designated as commercial/retail development in the Central, Western and Adult Lifestyle Neighborhoods. C-1 and C-2 permitted uses shall be permitted in the Downtown Neighborhood. Support retail uses such as restaurants, banks, day-care centers, dry cleaners, hotels/motels and similar uses are permitted in the Business Park. The default development standards shall be in accordance with the non-residential standards attached hereto and incorporated herein as Attachment C.
- 54. Office. Office and Professional Office (PO1) uses shall be permitted uses in the Neighborhoods, in the Adult Lifestyle Area and in the Business Park. The default development standards shall be in accordance with the non-residential standards attached hereto and incorporated herein as Attachment C.



55. Institutional/Civic Uses are allowed in the Neighborhoods, Suburban Area and Adult Lifestyle Area.
56. Light Industrial. Light Industrial uses shall be permitted in the Business Park only and developed consistent with the I-1 permitted uses and development standards pursuant to the LDC as amended except for the following uses which shall not be permitted uses: recycling, boat manufacturing, lumber yards, and other light industrial uses that may necessitate outdoor processing, outdoor assembly, or outdoor manufacturing activity.
- (1) Depending on the nature of the light industrial use, the County may require a masonry wall/sound buffer, lighting, or other type of mitigation at the time of preliminary development plan/preliminary site plan review to prevent any intrusive effects on adjacent uses.
  - (2) If adjacent to any area site planned as residential:
    - (a) A minimum building separation of 200' shall be required from any single family residential structure.
    - (b) Within such 200-foot building setback area, there shall be a minimum 50' landscape buffer. Such buffer shall be consistent with the planting requirements of the Type C landscape buffer per the LDC, as amended. Such buffer may also be satisfied by a natural wetland buffer.
  - (3) If adjacent to commercial:
    - (a) The development standards shall be in accordance with the commercial standards set forth above.
    - (b) At the time of the pre-application meeting for submittal of a preliminary development plan/preliminary site plan for any light industrial uses, the Parcel Developer shall provide a concept plan that demonstrates how such light industrial uses are integrated with other non-residential uses and how such integration promotes pedestrian connectivity and walkability to commercial uses.
57. All residential uses shall be allowed in the Neighborhoods, Suburban Areas and Adult Lifestyle Area. Residential uses shall include neighborhood amenities such as

recreational facilities, community centers, pools and parks. Residential development default standards are attached hereto and incorporated herein as Attachment C.

58. Side-yard setbacks that are less than 7.5 feet must comply with the following conditions being met prior to construction plan approval for each phase or unit unless the lot is accessed by an alley (Type 5 Street). Should the conditions not be met, the minimum side setback shall be 7.5 feet.
- a. Prior to any construction on the lot, proper erosion and sedimentation controls shall be installed.
  - b. Lots that back up to drainage-retention areas and wetland areas shall be "Type B," graded with high points at the midpoint of the side lot line and slopes toward both the front and rear yards. Discharge into wetlands shall only be allowed where the wetlands are designed and permitted to receive discharge.
  - c. Lots graded as "Type A" which back up to other lots shall require the installation of gutters on the sides and backs directing drainage to the front.
  - d. Lots graded as "Type B" or "Type C" which back up to other lots shall require that traffic-bearing grates be installed upon a FDOT inlet placed within each rear-lot line easement. Culverts connecting rear-yard inlets to acceptable outfalls shall be installed and shall be reinforced concrete pipe with premium sealed joints, designed to sustain an H-20 loading. A minimum 7.5-foot-wide drainage and access easement shall be provided along all rear-lot lines. Drainage and access easements shall extend to the road right-of-way at block ends. Side-yard, cross-access easements shall be provided connecting the rear-yard easement to the front right-of-way.
  - e. Side-yard swales shall be sloped to create positive outfall to the front and/or rear of each lot with velocities no greater than allowable for grassed stabilization, as in the FDOT *Drainage Manual*.
  - f. A maintenance entity, other than and acceptable to the County, shall be designated to provide perpetual maintenance to all drainage and access easements. The approved maintenance entity shall provide annual inspections of side- and rear-yard easements and drainage facilities to verify that no modifications have been made to the grading and ground cover and to inspect any inlets and pipes to verify that no hydraulic restrictions exist. Any modification or hydraulic restriction observed, at any time, shall be corrected. Additional

inspections shall be performed, if requested by an adjoining resident or the County. The maintenance entity shall have the right to file a lien to charge property owners for corrections or modifications and collect sufficient funds to perform required maintenance.

- g. No obstruction/service equipment shall be permitted in the side yard between houses. This includes, but is not limited to, air conditioning systems, water softeners, pumps, fences, etc.
- h. Walkways shall be allowed if they do not create any obstruction and are flush with grade.
- i. Gutters and roof structures shall be installed so as to reduce direct discharge to the side-yard swales.
- j. 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. The typical site-grading plan shall identify elevations, grades, ground cover, allowable tolerances, and a quality-control plan addressing construction and postconstruction phases. In addition, the engineer of record shall inspect the lot upon completion and complete the "as-built" certification prior to the issuance of the CO for the associated unit.

59. Any structure greater than 35 feet in height shall comply with the following building height, transition zone requirements when adjacent to single family detached, single family attached, and/or townhouses:

Building Height	Minimum Separation Between Buildings and Single Family Buildings	Non-Residential Buildings
36"-45'	50'	
46'-55'	80'	
55'-65'	110'	

**Other Land Use Conditions**

60. Agricultural, silvicultural and recreational uses shall be allowed on all parcels pending development thereof. Seasonal temporary uses pursuant to Section 530.9, LDC shall be

allowed on all parcels pursuant to the County's Miscellaneous Permit Process for temporary events.

61. Nothing in these COA's guarantees that the maximum amount of entitlements set forth herein can be accommodated on any portion of the land within Starkey Ranch MPUD due to other regulatory constraints and the physical constraints of the land itself.
62. Parcels may be developed in any order or size increment as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
63. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
64. The Master Developer may designate a site or sites which do not exceed a total of 7 acre(s) to be used for recreational vehicle storage for the exclusive use of Starkey Ranch residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended. The site(s) must obtain preliminary site plan approval prior to development and be owned by the Responsible Entity.

### **Procedures**

65. Unless required elsewhere herein, all conveyances shall occur at record plat, construction plan approval where a record plat is not required, or within ninety (90) days of the County's request, whichever occurs first. All conveyances pursuant to this DO shall be by deed or easement and shall include access easements, be in a form acceptable to the Real Estate Division, be excluded from the boundaries of all special districts, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions. All stormwater-management plans, reports, or calculations for the 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.

66. A disclosure statement regarding the construction of all known future arterial and collector roadways abutting and through the preliminary development plan/preliminary site plan and all known future road interconnects to the roads within the preliminary development plan/preliminary site plan shall be included in all sales contracts for residential within the MPUD. This disclosure shall include the future roadway's planned number of lanes and planned construction timing, if applicable.
67. Unless otherwise approved by the Emergency Services Director, each development within the Starkey Ranch MPUD shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The Parcel 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.
68. The Master Developer may elect to implement either MPUD Plan #1 or Plan #2 by written notification to the County, which election shall then be deemed administratively approved. Such election shall occur prior to submittal of the first preliminary plan for residential development, or site plan for non-residential development, in the affected portion of the MPUD Plan. In addition, as specific block configurations are submitted with preliminary plans and site plans (as applicable), the MPUD Plan shall be updated as an administrative approval to conform the conceptual rendering of the block layouts in the MPUD Plan to the detailed block layouts approved in such preliminary plan or site plan; provided, however, that the final block layouts shall conform to the terms and conditions of the COA, as applicable to such portion of the MPUD.
69. Upon each preliminary development plan/preliminary site plan submittal, the Parcel Developer shall provide a contextual map showing the entire MPUD parcel, where the subject property is located within the MPUD parcel and any adjacent previously approved preliminary development plan/preliminary site plans or plats for that MPUD parcel.
70. Preliminary development 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 development plan/preliminary site plan approval, construction plan/construction site plan approval, and/or record plat approval.

71. Development shall occur in accordance with the LDC Concurrency Management provisions except to the extent exempt from such provisions on account of the property being located within the County's Urban Service Area.
72. Preliminary development plans/preliminary development plans for the entire MPUD must be approved by 2031 instead of six (6) years from this MPUD rezoning.
73. In addition to complying with the above conditions, no further plan approvals will be granted until such time as the acknowledgment portion of the BCC approved document is completed (including notarization) and received by the Planning and Development Department after the BCC action.
74. **MUTRM Trip Reporting.** In order for the County to analyze the effectiveness of MUTRM in MPUD Condition No. 49, the developer shall institute the following trip count report:
  - a. Eighteen (18) months following construction plan approval for vertical construction of fifty (50) percent of the MPUD entitlements in terms of the gross daily external Project trip generation, or prior to construction plan approval for vertical construction of sixty-five (65) percent of the MPUD entitlements in terms of gross daily external Project trip generation, the Master Developer shall institute a trip counting program to provide external daily trip counts and projected counts at the Project entrances as set forth below.
  - b. Project trip counts shall continue on a biennial basis until Project build-out, shall be submitted to the Planning & Development Department biennially from the date of commencement, and shall be included in the biennial report. In the event of no construction activity for the subject year, the Master Developer shall submit a letter in writing stating such.
  - c. The Trip Count Reporting shall consist of weekday daily counts for one full week during the months of May or November to represent the average biennial conditions. Additionally, a week should be selected when Pasco County schools

are in session. The average for the 5 days will be used to determine the Project's total daily trips.

75. **Biennial Report Language**. The Master Developer shall submit a biennial report on the MPUD to the Planning & Development Department and the District School Board of Pasco County by December 31<sup>st</sup> of each year following approval of the first construction plan for the Project. The Biennial Report shall include the following information:
- a. Summary comparison of development activity proposed and actually conducted as well as a cumulative total of development proposed and actually conducted at the time of the traffic count.
  - b. Description of roadways and access points constructed at the time of the traffic count.
  - c. Have any undeveloped tracts of land in the development (other than individual single family lots) been sold to a separate entity or developer? If so identify parcel/tract, its size and the buyer. Provide maps which show the tracts involved.
  - d. List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.
  - e. Provide a list of MPUD conditions and state how and when each condition has been complied with during the biennial reporting period.
  - f. Provide the biennial traffic reporting information from Condition No. 74.
76. All conditions of this MPUD approval are material to the BCC approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning resolution is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and MPUD approval shall be suspended until such time that the BCC modifies the MPUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) any of the Project's entitlements for which a complete application has been submitted, or approval has been received, for a preliminary development plan, preliminary site plan, plat, construction plans, Building Permit, or CO; or 2) any MPUD mitigation committed to or performed as of the date the determination is

made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for BCC-approved modifications to the MPUD Master Planned Unit Development or the MPUD conditions of approval shall not be considered challenges and decisions by the BCC regarding any modification or the like shall not have the effect of suspending the conditions and the MPUD approval under any circumstances. Notwithstanding the foregoing, the MPUD shall not be suspended as to certain lands within the MPUD if the Parcel Developer(s) for such lands agree to abide by all of the provisions of the MPUD until an amendment is adopted to modify the MPUD in order to address the illegal or invalid provision. Notwithstanding the foregoing, if a third party challenges any section, subsection, sentence, clause, or provision of this MPUD and the challenged portion is subsequently declared illegal or invalid, the MPUD shall not be suspended and shall remain in full force and effect except for that portion declared illegal or invalid. If any section, subsection, sentence, clause or provision of this MPUD is declared illegal or invalid as the result of a third party challenge, the Master Developer shall cooperate with the County to amend this MPUD to address the portion which has been declared invalid or illegal.



DEVELOPER'S ACKNOWLEDGMENT:

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

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Print Name

\_\_\_\_\_ Title

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_  
(date), by \_\_\_\_\_ (name  
of corporation acknowledging) a \_\_\_\_\_  
(State or place of incorporation) corporation, on behalf of the corporation. He/she is personally  
known to me or who has produced \_\_\_\_\_ (type of  
identification) as identification.

Seal:

\_\_\_\_\_ NOTARY

**Planning and Development  
Department Approved  
Non-Substantial Modification**

Date: 1 / 14 / 15

By:

*Carol B. Clarke*

Carol B. Clarke, AICP  
Zoning Administrator/Assistant  
Planning and Development Administrator

For compliance with the applicable provisions of  
Pasco County Land Development Code Regulations

## **ATTACHMENTS**

ATTACHMENT A	Intersection Improvements
ATTACHMENT B	Land Use Equivalency Matrix
ATTACHMENT C	Default Standard Tables
ATTACHMENT D	Trip Generation Monitoring Table
ATTACHMENT E	Future Volume
ATTACHMENT F	Intersection Analysis Summary Table
ATTACHMENT G	Monitoring Sites