



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 7, 2018

Ms. Paula S. O'Neil
Clerk and Comptroller
The East Pasco Governmental Center
Pasco County
14236 6th Street, Suite 201
Dade City, Florida 33523

Attention: Ms. Katie McCormick

Dear Ms. O'Neil:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 18-06, which was filed in this office on February 7, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 18-06

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; SECTION 108 ENFORCEMENT; SECTION 205.1 DEVELOPMENT REVIEW COMMITTEE; SECTION 304.1 TYPES OF PUBLIC NOTICE; SECTION 402.2 ZONING AMENDMENT – MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT; SECTION 402.5 MISCELLANEOUS USES; SECTION 403.1 PRELIMINARY DEVELOPMENT PLAN – RESIDENTIAL; SECTION 403.2 PRELIMINARY DEVELOPMENT PLAN – NON-RESIDENTIAL; SECTION 403.3 PRELIMINARY SITE PLAN; SECTION 403.5 CONSTRUCTION PLANS; SECTION 403.9 MODIFICATIONS TO DEVELOPMENT APPROVALS; SECTION 406.6 MODEL CENTERS; SECTION 407.5 ALTERNATIVE STANDARDS; SECTION 511 R-MH MOBILE HOME DISTRICT; SECTION 529 I-2 GENERAL INDUSTRIAL PARK DISTRICT; SECTION 530.11 TRAVEL TRAILER/RECREATIONAL PARKS AND CAMPGROUNDS; SECTION 901.3 ACCESS MANAGEMENT; SECTION 901.4 SUBSTANDARD ROADWAY ANALYSIS AND MITIGATION; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapters 125, 162, 163, 177, and 380 Florida Statutes, to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Pasco County; and

WHEREAS, Sections 163.3201, 163.3202, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Pasco County, Florida, to implement adopted Comprehensive Plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

WHEREAS, Section 163.3202, Florida Statutes, provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

WHEREAS, the Board of Commissioners adopted the restated Pasco County Land Development Code on October 18, 2011 by Ord. No. 11-15; and

WHEREAS, at the time of the adoption of the restated Land Development Code, the Board of County Commissioners contemplated the need to make amendments addressing issues of implementation and internal consistency; and

WHEREAS, the Local Planning Agency conducted a public hearing on January 11, 2018 and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners conducted duly noticed public hearings on January 23, 2018 and February 6, 2018, where the Board of County Commissioners considered all oral and written

comments, including staff reports and information received during said public hearings; and

WHEREAS, the citizens of Pasco County were provided with ample opportunity for comment and participation in this amendment process through staff workshops, public meetings and public hearings; and

WHEREAS, in exercise of said authority the Board of County Commissioners of Pasco County, Florida, has determined that it is necessary and desirable to amend the restated Pasco County Land Development Code to implement policy direction and to correct internal inconsistencies.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. Authority.

This ordinance is enacted pursuant to Chapter 125, Florida Statutes (2016) and under the home rule powers of the County.

SECTION 2. Legislative Findings of Fact.

The foregoing Whereas clauses, incorporated herein, are true and correct.

SECTION 3. Applicability and Effect on Existing Development Approvals.

The applicability and effect of this amendment on existing development approvals and requests for substantial modifications shall be as provided for in Section 103.2 of the restated Land Development Code.

SECTION 4. Amendment.

The Pasco County Land Development Code is hereby amended as shown and described in Attachment A, Attached hereto and made part hereof.

SECTION 5. Severability.

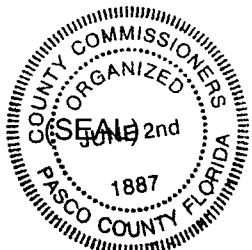
It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 6. Effective Date.

A certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk to the Board

within ten (10) days after adoption and shall take effect upon such filing.

ADOPTED with a quorum present and voting this 6th day of February, 2018.



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

Paula S. O'Neil, Ph.D., Pasco County Clerk and Comptroller

Mike Wells, Chairman

APPROVED
IN SESSION

FEB 06 2018

PASCO COUNTY
BCC

Attachment A

CHAPTER 100. GENERAL PROVISIONS

SECTION 108. ENFORCEMENT

108.11. Enforcement of any setback or height restrictions set forth in this Code, Chapter 500, ~~Zoning~~, and Section 1003 shall be barred if enforcement; e.g., notice of violation, citation, complaint, lawsuit, etc., of such violation has not been initiated within one (1) year of the date the violation occurs. This exemption shall not apply to violations involving recreational vehicles, nor to buildings or structures built or placed without required building or zoning permits and/or inspections after January 1, 1995, nor to buildings or structures built or placed upon easements where structures would otherwise be prohibited.

CHAPTER 200. DECISION MAKING BODIES AND OFFICIALS

SECTION 205. DEVELOPMENT REVIEW COMMITTEE

205.1. Development Review Committee

- A. The DRC shall be composed of the following individuals (1) County Administrator or designee, ~~(2) President of the Pasco Economic Development Council or designated employee~~, (32) Assistant County Administrator for Public Services, or County Administrator's designee (43) Assistant County Administrator for Public Infrastructure, or County Administrator's designee (54) Assistant County Administrator for Internal Services, or County Administrator's designee and (65) representative appointed by the School Board.

205.2. Meetings

The DRC shall meet at the request of the County Administrator or designee. The presence of ~~four~~ three (43) members or more shall constitute a quorum of the DRC. ~~However, for agenda items that do not require a vote by the representative of the School Board, the presence of three (3) members or more shall constitute a quorum of the DRC.~~ The BCC may establish rules of procedures for the conduct of DRC meetings.

CHAPTER 300. PROCEDURES

SECTION 304. PUBLIC NOTICE REQUIREMENTS

TABLE 304-1

Required Public Notice for Development Approval Applications

Application	Mailed	Published	Posted
Development of Regional Impact (DRI)	X	X	X
Development Agreement (DA)		X	

DRI Substantial Amendment (NOPC)	X	X	X
DRI Non Substantial Amendment (NOPC)		X	X
DRI Development Order Amendment (no NOPC)		X	
DRI Abandonment	X	X	X
DRI Rescission	X	X	X
Zoning Amendment*	X	X	X
MPUD Substantial Amendment*	X	X	X
<u>MPUD Non-substantial Amendment**</u>			X
Conditional Use*	X	X	X
Special Exception*	X	X	X
Minor Land Excavation*			
Zoning Variance	X		X
Alternative Relief	X		X
Alternative Standards as Specified in Section 407.5	X		X
Wireless Facilities (Tier II)	X		
Appeals (see Section 407.1)	X	X	X
Preliminary Site Plan	X		
Preliminary Development Plan	X		
Mass Grading	X		
Vested Rights	X		X

*See Sections 305 and 306 for Neighborhood Meeting and Neighborhood Notice Requirements

****Posted notice to occur within two (2) business days of the final written approval.**

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.2. Zoning Amendment MPUD Master Planned Unit Development

N. Modifications

1. Substantial Modifications

- f. A cumulative increase of greater than five (5) percent in residential dwelling units **if the change is greater than ten (10) dwelling units** or the size of areas proposed for nonresidential uses.

402.5 **Miscellaneous Uses**

B. **Vacation Rentals (formerly known as Short-Term Rentals)**

9. Registration

- a. Finally, all vacation rentals, transient lodging, and bed and breakfasts on which payment is made to rent, lease, let, or use for a period of six (6) months or less are subject to the County's Tourist Development Tax and collections, Chapter 406 **102** of the Pasco County Code.

SECTION 403. SITE DEVELOPMENT

403.1. **Preliminary Development Plans Residential (PDP-R)**

B. **Submittal Requirements**

4. Existing Site Information to be Shown on

- ~~f. A tree plan prepared or certified by a Registered Landscape Architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee, demonstrating compliance with this Code, Sections 802 and 905, and a landscape plan showing locations, widths, and buffer type dedicated to landscaping as required by this Code, Section 905.~~

5. Proposed Development

j. Subdivision Design:

~~(2) Proposed model center locations.~~

(4) Where parking associated with model lots is proposed, a parking lot typical is required to be submitted as part of the PDP-R submittal package. Such parking areas are required to be in compliance with the master grading plan.

7. Model Lot Review

a. The total number of model homes shall not exceed ten (10) percent of the total number of lots approved on the associated Preliminary Development Plan.

(1) When multiple single-family attached product types are within a single building structure, the single building structure will be counted as one lot in regard to this ten (10) percent standard.

b. Roadways accessing all models are to be fully constructed and pass final inspection, including all appropriate signage as determined by the Pasco County Project Management Department (Engineering Inspections) and Pasco County Traffic Operations Department, prior to any public access to the models.

(1) If a centralized parking area is used with visitors transported to models by shuttle/cart then only the roadways of the development accessing the parking area must meet this requirement.

c. The parking area shall be designed in compliance with this Code and meet the technical standards of the application for development approval as detailed below:

(1) One (1) parking space per 2,500 square feet of model home shall be provided.

(2) At least one (1) parking space shall be compliant with Americans Disabilities Act (ADA) standards.

(3) Parking areas shall be graded for proper drainage and be maintained in a dust-free condition.

(4) Parking shall be arranged to provide for orderly and safe access.

(5) Exiting via backing onto streets shall not be allowed.

(6) The access driveway shall be constructed in accordance with this Code and be a minimum of twenty-four (24) feet wide.

(7) Buffers between the parking area and non-model areas shall consist of a minimum five (5) foot wide buffer containing four (4) foot high opaque hedge.

(8) A paved, stabilized surface shall provide access to each model home prior to the issuance of a temporary Certificate of Occupancy (CO).

d. A temporary CO is required for each model home. Final site inspection of the parking area, access drive, and buffering by the County is required prior to the issuance of a temporary CO and power release for the first model. A temporary CO must be obtained prior to use of each model thereafter. Upon the sale of an individual model, a final CO must be obtained prior to occupancy. Any modifications required for compliance with the approved Construction Plans shall be completed prior to the issuance of the final CO. Models shall not be used as a construction office, general real estate office, or a resale listing office. Model sites shall not be used for the storage of contractor's trucks, equipment, or materials.

However, this provision is not construed to prohibit a subcontractor from visiting the model for the purpose of picking up plans, work orders, checks, or invoices or the like.

e. Additional permits may be required prior to the issuance of a final CO.

403.2. Preliminary Development Plans Nonresidential/Mixed Use (PDP-NR/MU)

B. Submittal Requirements

~~g. Tree plan prepared or certified by a Registered Landscape Architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee, demonstrating compliance with this Code, Sections 802 and 905, and a landscape plan showing locations, widths, and buffer type dedicated to landscaping as required by this Code, Section 905. This plan shall be for perimeter landscaping and buffering. Individual site landscaping shall be reviewed with the PSP. Common plan of development subdivisions shall identify locations for internal landscaping.~~

403.3. Preliminary Site Plans (PSP)

B. Submittal Requirements

~~f. Tree plan prepared or certified by a Registered Landscape Architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee, demonstrating compliance with this Code, Sections 802 and 905. 403.7.~~

B. Submittal Requirements

5. Proposed Development

d. Easements (show all ~~existing or~~ proposed; note if none).

403.5. Construction Plans

B. Submittal Requirements

r. Tree plan prepared or certified by a Registered Landscape Architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee, demonstrating compliance with this Code, Sections 802 and 905, and a landscape plan showing locations, widths, and buffer type dedicated to landscaping as required by this Code, Section 905. This plan shall be for perimeter landscaping and buffering. Individual site landscaping shall be reviewed with the Construction Plan. Common plan of development subdivisions shall identify locations for internal landscaping.

E. Effect of Approval

3. In the case of subdivisions, no Building Permit shall be issued prior to record plat approval except:

For model center dwelling homes or and noncommercial clubhouse structures as specified in this Code, and community features (such as, model home office, neighborhood amenity center, clubhouse, or similar structure) and entry features (such as, decorative columns, gates, walls, fountains, gazebos, guardhouses, sign structures, etc. to be placed at the entrance of a newly approved subdivision), provided; however, the requirements of concurrency in accordance with this Code have been met. A CO for such uses may be issued provided all those approved improvements necessary to service the structures are complete, or ensured as otherwise provided in this Code.

403.9. Modifications to Development Approvals

A. Substantial Modifications

Unless otherwise approved by the County Administrator or designee, all substantial modification requests shall be submitted and processed as an amendment in the same manner as the original approval. A modification shall be considered substantial when:

1. The modification consists of a twenty five (25) percent cumulative increase in intensity (square footage) or a five (5) percent cumulative increase in density if the change is greater than ten (10) dwelling units.
2. The modification would require additional review or compliance based on other sections of this Code, the Comprehensive Plan, State or Federal law, and/or conditions that were previously specifically imposed by the Development Review Committee (DRC) or the Board of County Commissioners (BCC) on the development.

SECTION 407. RELIEF APPLICATIONS

407.5. Alternative Standards

- C. Where ~~an access management alternative standard is requested, or where~~ deviations from Section 901.1 are requested, the Development Review Committee (DRC) shall hear the request and consider the following criteria at a public hearing duly noticed pursuant to this Code, Section 304:

CHAPTER 500. ZONING STANDARDS

SECTION 511. R-MH MOBILE HOME DISTRICT

511.3. Permitted Uses

A. Principal Uses

1. Dwellings: single-family detached dwellings on individual lots, mobile homes, single-family detached modular, or factory built dwellings.

SECTION 529. I-2 GENERAL INDUSTRIAL PARK DISTRICT

529.2. Permitted Uses

- F. ~~Fertilizer manufacturing.~~

SECTION 530. SUPPLEMENTAL REGULATIONS

530.11. Travel Trailer/Recreational Parks and Campgrounds

- H. No travel-trailer park shall be divided into three (3) parcels or more or individual lots for the purpose of sales or leasing without complying with all of the requirements of Section 530.4412, Travel Trailer/RV Subdivisions.

CHAPTER 900. DEVELOPMENT STANDARDS

SECTION 901. TRANSPORTATION

901.3. Access Management

- I. Access Control

TABLE 901.3.B

Arterial/Collector Standards

Facility Type	Posted Speed	Corner Clearance/ Connection Spacing (Min.)	Median Opening Spacing (Min.)		Signal Spacing (Min.)
			Directional	Full	
Arterial	>45	660	1,320	2,640	2,640
	≤45	440	660	1,320	2,640
Collector	>45	440	660	1,320	1,320
	≤45	245	330	660	1,320

~~NOTE 3: Up to ten (10) percent deviations from these requirements may be permitted for good cause upon approval by the County Engineer. Deviations greater than or equal to ten (10) percent require approval in accordance with this Code, Sections 901.3.T and 407.5.~~

NOTE 3: If access is on an FDOT controlled roadway then FDOT standards shall apply.

TABLE 901.3.C

Corner Clearance for Isolated Corner Properties

Median Type	Position	Access Allowed	Minimum (Feet)
With Restrictive Median	Approaching Intersection	Right-In/Out	115

	Approaching Intersection	Right-In Only	75
	Departing Intersection	Right-In/Out	230
	Departing Intersection	Right-Out Only	100
Without Restrictive Median	Approaching Intersection	Full Access	230
	Approaching Intersection	Right-In Only	100
	Departing Intersection	Full Access	230
	Departing Intersection	Right-Out Only	100

~~NOTE 2: Up to ten (10) percent deviations from these requirements may be permitted for good cause upon approval by the County Engineer. Deviations greater than or equal to ten (10) percent require approval in accordance with this Code, Sections 901.3.T and 407.5.~~

T. Alternative Standard Procedures

~~Except where these regulations specifically allow for deviation by the County Engineer, if~~ **if** an applicant wishes to deviate from the requirements of this section, an alternative standards request in accordance with Section 407.5 must be submitted and approved by the ~~Development Review Committee (DRC)~~ **County Engineer utilizing the criteria in Section 407.5.C.** ~~A recommendation to the DRC shall be made by the County Engineer.~~ Before making a ~~recommendation~~ determination on any alternative standard affecting the State highway system or within any municipality, the County Engineer shall consult with the FDOT and/or the affected municipality, if applicable.

901.4. Substandard Roadway Analysis and Mitigation

D. Analysis

A Substandard Roadway Analysis shall be required for those developments generating more than 100 driveway trips, as indicated in Exhibit 901.4.A. Subthreshold projects, those generating less than 100 driveway trips, shall be responsible for substandard roadway mitigation requirements pursuant to this Section, but shall have the option of having the analysis performed by the County. **When a substandard road analysis has been submitted as part of the application for an MPUD or DRI a second substandard road analysis shall not be required as part of a subsequent development application. However, should the County determine that roadway pavement conditions (to a public roadway previously identified in the initial substandard road analysis and for which no conditions of approval have been approved to bring such road to standard) have changed, it reserves the right to require an updated substandard roadway analysis.**

Appendix A

DEFINITIONS

Caliper. Trunk caliper as measured at diameter at breast height (dbh). ~~six (6) inches above the ground on trees up to and including four (4) inches in diameter.~~