

**BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE; SECTION 303.6 APPLICATION SUBMITTAL AND ACCEPTANCE; SECTION 303.7 APPLICATION REVIEW; SECTION 402.1 ZONING AMENDMENT - EUCLIDEAN; SECTION 402.2 ZONING AMENDMENT - MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT; SECTION 402.3 CONDITIONAL USES; SECTION 402.4 SPECIAL EXCEPTIONS; SECTION 403.1 PRELIMINARY DEVELOPMENT PLAN - RESIDENTIAL; SECTION 403.5 CONSTRUCTION PLANS; SECTION 403.10 LANDSCAPE PLANS ADDING NEW SECTION; SECTION 406.8 GARDEN PLAN PERMITS; SECTION 522.9 CONNECTED CITY MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT; SECTION 527 C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT; SECTION 530.23 COMMUNITY GARDENS, MARKET GARDENS AND COMMUNITY FARMS; SECTION 603 CONNECTED CITY STEWARDSHIP DISTRICT; SECTION 700 SUBDIVISION AND PLATTING STANDARDS; SECTION 901.4 SUBSTANDARD ROADWAY ANALYSIS AND MITIGATION; SECTION 901.6 STREET DESIGN AND DEDICATION; SECTION 901.9 STREET NAMING AND ADDRESSING; SECTION 902.2 STORMWATER MANAGEMENT REQUIREMENTS; SECTION 905.2 LANDSCAPING AND BUFFERING; 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.**

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**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 September 26, 2019 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 October 7, 2019 and October 22, 2019, where the Board of County Commissioners considered all oral and written comments, including staff reports and information received during said public hearings and found the proposed amendments consistent with the Pasco County Comprehensive Plan; 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 and 163, Florida Statutes (2019) 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 shall be as provided for in Sections 103.1 and 103.2 of the restated Land Development Code. Notwithstanding the forgoing, the amendment to Appendix A Definitions, Water service facilities and Wastewater service facilities, shall apply retroactively.

**SECTION 4. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**SECTION 5. Amendment.**

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

**SECTION 6. 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 7. 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 22<sup>nd</sup> day of October, 2019.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
NIKKI ALVAREZ-SOWLES, ESQ  
PASCO COUNTY CLERK & COMPTROLLER

\_\_\_\_\_  
RONALD E. OAKLEY, CHAIRMAN

**Attachment A**

**CHAPTER 300. PROCEDURES**

**SECTION 303 COMMON PROCEDURES**

303.6. Application Submittal and Acceptance

- 2. Process
  - b. Timelines for Zoning and Site Plan Actions

**Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes and as specified in the Development Manual. The following tables provide timelines for development approvals. The Euclidean zoning amendments and the zoning variances must be submitted by a time certain in order to obtain a certain set of dates. For example, in order to obtain an October hearing date before the BCC in New Port Richey, an applicant would need to submit a completed application by August 15th for a sixty (60) day timeline. In order to obtain an October zoning variance hearing, the applicant would need to submit a completed application by September 1st for a forty-five (45) day timeline.**

**TABLE 303-1**

Timelines for Zoning Actions\*

<b>Zoning Action</b>	<b>Deadline for Submittal**</b>	<b>PC</b>	<b>BCC Hearing</b>
MPUD Rezoning	N/A	140 days ***	152+/- Days
Euclidean Rezoning	15 <sup>th</sup> of Month	50+/- Days	60+/- Days
Conditional Use			60+/- Days
Special Exception	1 <sup>st</sup> of Month	45 +/- Days	N/A
Zoning Variance			N/A

\*These timeframes are subject to the County receiving all requested information which is reasonable and relevant to form a recommendation.

\*\*Submittal is accepted when the application is found complete at content review.

\*\*\*The PC hearing will not be scheduled sooner than thirty (30) days of completion and receipt by the County of a traffic study.

**TABLE 303-2**

Timelines for Site Development Processing

	<b>Days after Submittal* First Round Comments Must be Sent</b>	<b>Applicant Must Respond Within</b>	<b>Second Round Comments Must be Mailed or Electronically Sent Within</b>
<b>Site Development Plan Reviews</b>			
Alternative Standards	21 Business Days		
Master Roadway Plan	21 Business Days		
Minor Rural Preliminary Development Plan	21 Business Days	180 Days**	21 Business Days

Minor Rural Stormwater and Construction Plan	21 Business Days		
Limited Family Lot Division Plan	21 Business Days		
PSP PDPs Residential, Nonresidential, or Mixed Use Stormwater Construction Plans Simultaneous Plans	21 Business Days		

**\*Submittal is accepted when the application is found complete and after five (5) business days allotted for file creation and distribution.**

**\*\* Second or subsequent rounds response by applicant within thirty (30) days.**

**\*\*\* Deadlines shall be extended in the case of a declared local, State, or Federal Emergency, which directly affects the development or permitting activities of the County, for the length of that emergency and its effects.**

**TABLE 303-3  
Timelines for Combined Conditional Use/Operating Permit Applications**

Submittal	1 <sup>st</sup> Comments	Applicant Response	2 <sup>nd</sup> Comments	Applicant Response	PC	BCC
Conditional Use					**	180 days
Operating Permit	45 days	45 days	15 days*	15 days*	120 days	180 days

**\*If Applicable.**

**\*\*PC Hearing will be last available hearing prior to BCC Hearing.**

**\*\*\* Deadlines shall be extended in the case of a declared local, State, or Federal Emergency, which directly affects the development or permitting activities of the County, for the length of that emergency and its effects.**

**Time frames will begin after application has been found complete and after three (3) business days allotted for file creation and distribution.**

It is the policy of Pasco County to expedite the review of applications for affordable housing projects, projects within the Urban Concentration Area, LEEDs projects, and projects approved by the Pasco Economic Development Council as targeted industry projects. In all cases, every effort will be made to expedite those projects using a shared, agreed upon time frame where the responsibilities and timeframes for both the County and applicant are mutually agreed upon. Table 303-4 identifies the timelines for several types of applications.

**TABLE 303-4  
Timelines for Expedited Plan Reviews**

Plan Type	Expedited Review Time	Nonexpedited Review Time	Time Saved
PSP	20 Days	45 Days	25 Days
Simultaneous Plans	20 Days	45 Days	25 Days
Resubmittals	10 Days PSP; 15 Days Others	21 Days	6-11 Days

~~Time commences when an application is accepted and three business days have been allotted for file creation and distribution.~~

303.7. Application Review

B. Deficient Application

If a development approval application is determined to be deficient, the applicant shall be notified in writing with citations to the applicable regulation(s) and a specific request made for additional information that is required to continue or conclude review. ~~An applicant has 180 days from the date of written notification of deficiency to provide all the requested information. Response by the applicant to additional rounds of comments must be made within forty-five (45) days for MPUD Master Planned Unit Development applications and within twenty-one (21) days for all other applications.~~ The development approval application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

2. The applicant requests in writing that the application be processed in its present form. In this case, the applicant acknowledges that the application has been determined to be deficient and that the final determination on the application shall be based on the information submitted, and the applicant waives the right to supplement the application with additional information. The application shall then be processed in its present form. ~~Where an applicant has requested processing pursuant to this subsection, action shall be taken on the application within thirty-five (35) days for small preliminary site plans, forty (40) days for other administrative actions, and fifty (50) days for items requiring public hearing.~~
3. Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes and as specified in the Development Manual. The applicant requests, in writing, an extension of time to provide all the requested information. An extension of time may be granted by the County Administrator or designee. For each application, any and all extensions of time shall not exceed 180 days.

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
MPUD Non-substantial Amendment**			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.C and D	X		X
Wireless Facilities (Tier II)	X		
Appeals (see Section 407.1)	X	X	X
Preliminary Site Plan <b><u>and Substantial Modifications to</u></b>	X		
Preliminary Development Plan <b><u>and Substantial Modifications to</u></b>	X		
Mass Grading <b><u>and Substantial Modifications to</u></b>	X		
Vested Rights	X		X

**CHAPTER 400. PERMIT TYPES AND APPLICATIONS**

**SECTION 402. USE PERMITS**

**402.1. Zoning Amendments Euclidean**

**C. Public Hearings Required**

Prior to the enactment of any change in zoning, the Planning Commission (PC) and the BCC shall each hold a separate public hearing on the proposed amendment ~~within sixty (60) days after all information and facts comprising the application have been submitted.~~ **In accordance with the timelines established in Chapter 125.022, Florida Statutes.**

**402.2. Zoning Amendment MPUD Master Planned Unit Development**

B. MPUD Required

An MPUD zoning shall be required in the following instances:

1. Projects that are in the coastal high hazard area, **unless otherwise determined by the County Administrator or designee.**

N. Modifications

3. Review and Determination

**Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes and as specified in the Development Manual.** ~~Upon receipt of a completed application for the nonsubstantial modification with all required documents, County staff shall have thirty (30) days to review and request revisions. Such time frame shall not apply to DRI related MPUD, which shall be governed by statutory standard. DRI related MPUD may necessitate a longer review period.~~

~~Upon receipt of responses to comments and requested revisions from the applicant, the County Administrator or designee shall issue a nonsubstantial determination in writing within ten (10) days along with any conditions to ensure compliance with the Comprehensive Plan and this Code. Any changes on the master plan that are not included in the narrative statement required pursuant to this Code shall not be considered approved by the County.~~

402.3. **Conditional Uses**

D. Public Hearings Required

The Planning Commission (PC) and the Board of County Commissioners (BCC) shall hold separate public hearings ~~on such an application within sixty (60) days after the application is deemed sufficient~~ **in accordance with the timelines established in Chapter 125.022, Florida Statutes.**

402.4. **Special Exceptions**

D. Review and Decision Process

2. Public Hearing Required

The PC shall hold a public hearing on the proposed Special Exception use ~~within forty five (45) days~~ **in accordance with the timelines established in Chapter 125.022, Florida Statutes.** ~~after the application is deemed sufficient.~~

SECTION 403. SITE DEVELOPMENT

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

H. Prohibitions



4. Development approved for use at a specific density or intensity shall not be used in a manner inconsistent with that approval, without an appropriate amended development approval ~~Site Development Permit~~.

#### 403.5. Construction Plans

##### A. Intent and Purpose

Construction plans are used to ensure that all infrastructure and improvements are installed in accordance with the requirements of this Code. **A Construction Plan shall not be required for those projects that qualify for a No-Improvement Plat (Plat-NI) in accordance with Section 700.2.D.**

#### 403.10 Landscape Plan

##### A. Intent and Purpose

**Landscape Plans are used to improve the aesthetic appearance of public, commercial, industrial, and residential areas by reducing the visual impact of large building masses; by softening the visual impact of paved surfaces and vehicular-use areas; by screening conflicting uses from one another; and otherwise helping establish a harmonious relationship between the natural and built environment.**

##### B. Applicability

1. **This section shall be applicable to all development plans submitted on or after February 26, 2002.**
2. **Redevelopment Landscaping. Developments that existed on February 26, 2002, that do not comply with the provisions of this subsection shall be brought into compliance when significant investment is made to the current structure, as detailed in Table 403.10-A.**

##### a. Options for Relief

**Recognizing that redevelopment and renovation presents its own special challenges, an applicant may pursue the following approaches to obtain relief from the strict application of the above standards.**

- i. **The County Administrator or designee may grant relief from the strict application of the standards in Table 403.10-A without requiring an alternative standard application pursuant to Section 407.5, if the applicant is able to demonstrate with the Landscape Plan that the landscaping and buffering is the maximum possible that can be accommodated given the existing conditions on the site.**
- ii. **Performance Security. Where performance security in a form acceptable to the County is provided, the landscaping and buffering required in Table 403.10-A may be installed in phases over a five (5) year period.**

- iii. County Assistance. Developments required to be brought into compliance with this section shall be eligible to apply to the Board of County Commissioners (BCC) through the County Administrator or designee for reimbursement of the reasonable cost of drought tolerant or native trees and landscaping plants as listed by Southwest Florida Water Management District (SWFWMD) or the University of Florida Institute of Food and Agricultural Sciences (IFAS), providing such vegetation is not invasive, and approved by the County Administrator or designee in an amount not to exceed \$10,000.00 from the Tree Mitigation Fund. The said reimbursement amount may be amended from time to time by resolution of the BCC.

**TABLE 403.10-A**

<u>Circumstance</u>		<u>Conformity Required</u>
<u>Existing structure floor area is expanded.</u>	<u>Twenty-five (25) percent or less.</u>	<ul style="list-style-type: none"> <li><u>Building perimeter landscaping shall be required adjacent to any addition.</u></li> </ul>
	<u>Twenty-six (26) percent or more.</u>	<ul style="list-style-type: none"> <li><u>Building perimeter landscaping shall be required adjacent to the addition/additional structure(s), and, where feasible, adjacent to any existing structure(s) requiring building perimeter landscaping per this Code.</u></li> </ul>
<u>Value of work associated with redeveloped, remodeled, or renovated structure (except ordinary repair and maintenance)</u>	<u>Between twenty-five (25) and fifty (50) percent of the appraised building value.</u>	<ul style="list-style-type: none"> <li><u>Buffers shall be installed along roadways and adjacent to residential properties.</u></li> <li><u>Building perimeter landscaping adjacent to addition.</u></li> </ul>
	<u>Between fifty-one (51) and seventy-five (75) percent of the appraised building value.</u>	<ul style="list-style-type: none"> <li><u>All property buffers.</u></li> <li><u>Building perimeter landscaping adjacent to any addition/additional structure(s), and, where feasible, adjacent to any existing structure(s) requiring building perimeter landscaping per this Code.</u></li> <li><u>All vehicular use landscaping.</u></li> </ul>
	<u>Exceeds seventy-five (75) percent of the appraised building value.</u>	<ul style="list-style-type: none"> <li><u>All property buffers.</u></li> <li><u>All building perimeter landscaping, where possible.</u></li> <li><u>All vehicular use landscaping.</u></li> </ul>
<u>Alteration of vehicular use area other than restriping, resealing, or resurfacing.</u>		<ul style="list-style-type: none"> <li><u>Expanded area shall provide the required minimum landscape area as required in Table 905.2.C.</u></li> </ul>

**NOTE: Appraised building value shall be as shown by the Property Appraiser. The value of improvements shall be cumulative from February 26, 2002.**

C. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee. A Landscaping Plan shall be prepared by a Certified Landscape Designer, Landscape Architect registered to practice in the State of Florida, or other authorized individuals as set forth in Chapter 481, Part II, Florida Statutes, as may be amended from time to time. Where improvements are proposed that require engineering solutions, a Florida registered engineer (P.E.) shall sign and seal all applicable sheets.

In circumstances where a Landscape Plan is submitted simultaneously with a Construction Plan, modifications to the submittal requirements shall be made to eliminate the need for providing duplicative information. This determination will be based on the level of detail provided with the Construction Plan and subsequent submissions and approvals.

The application package shall include:

1. Application Information
  - a. Proof of Ownership; i.e., copy of the deed.
  - b. Agent of Record Letter, if applicable.
  - c. Application fee.
  - d. Signed and sealed plans drawn at readable scale.
2. General information to be shown on the plans
  - a. Pictorially show parcel.
  - b. A legend, title, and number of revisions; date of landscape plan and revisions; scale of plan; north arrow; acreage of the parcel; and names, mailing addresses, e-mail addresses, and telephone numbers of the developer/owner and the licensed individual drawing the plans.
  - c. Phasing plan, if applicable, designating each phase by number or letter and a heavy line border at an appropriate scale.
3. Map Information
  - a. Location map.
4. Existing information to be shown on plans
  - a. Zoning district and use of the subject property and that of adjacent land.
  - b. Tree data sufficient to enable evaluation in accordance with the Code, Section 802.

c. Existing structures or uses on the site and a statement as to their intended future use.

5. Proposed Landscaping and Irrigation

a. As required per 905.2, and 905.4 of this Code.

b. As requested when implementing 905.3 of this Code.

6. Studies and Other Required Submittals

a. To be determined by the County Administrator or designee at the time of review.

D. Standards of Review

The County Administrator or designee shall not approve any landscape plans unless the said plans, specifications, or proposed alternative standard meet the technical requirements of this Code, Section 905.2.

E. Form of Decision

Approval or denial of a landscape plan shall be in writing. The written approval may include conditions as necessary to ensure compliance with this Code.

In disapproving any landscape plans, the County Administrator or designee shall provide reasons for such action, making reference to specific sections of this Code.

F. Effect of Approval

The written approval authorizes the installation of improvements in accordance with the approved landscape plans upon the posting of the hard copy Site Development Permit on the site. The hard copy Site Development Permit will be issued upon satisfactorily resolving any conditions of approval. In no case may improvements requiring other governmental approvals or permits commence until such approvals or permit have been obtained.

G. Time Limit on Approval

Except where project development schedules are established for Developments of Regional Impact and Florida Quality Developments, the following time limits on approvals shall apply:

1. The improvements must commence within two (2) years of the issuance of the approval, and activity shall not lapse for a period exceeding thirty (30) days. The improvements shall be completely installed within one (1) year.

2. An applicant may request a six (6) month extension. Such extension shall be for good cause and must be submitted to the County Administrator or designee at least sixty (60) days prior to expiration of the above time limit.

- 3. Should a Landscape Plan be submitted as part of a Construction Plan, and therefore an approved Preliminary Plan, the expiration dates shall follow that of the approved Preliminary Plan.
  - 4. In the event that the developer does not comply with these provisions, all plans for the project shall be deemed void.
- H. Prohibitions
- 1. Landscape installation shall not commence unless a Site Development Permit authorizing such installation has been obtained from the County, and the procedures established by this Code have been followed by the person requesting approval.
  - 2. No person shall commence, authorize, allow, or complete any installation which does not conform to or abide by the terms and conditions of an approval and to the requirements of this Code.
- I. Simultaneous Submissions
- Pursuant to Section 403.8, the developer may utilize simultaneous submissions.

406.8 Garden Plan Permits

A. Intent and Purpose

It is the intent and purpose of this section to provide a safe, efficient and economical method of approving community garden, market garden and community farm.

The Garden Plan Permit is used to:

- 1. Evaluate in detail the proposed plans for a community garden, market garden or community farm; **and**
- 2. Ensure that, if approved, the garden or farm is developed and operated in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of Pasco County and its citizens;

C. Exemptions

The following are exempt from the requirements of a Garden Plan Permit:

- 1. Agricultural classified lands that are exempt under Florida Statutes, Chapter 193.461(3).
- 2. Home Gardens/Vegetable Gardens on residential properties

CHAPTER 500. ZONING STANDARDS

SECTION 522. MPUD MASTER PLANNED UNIT DEVELOPMENT DISTRICT

522.9. **Connected City Master Planned Unit Development District**

C. **General Provisions**

4. Construction

b. Rules of Construction

The portions of this Code that are intended to remain in effect for parcels of land within the CC-SPA that have elected to become a CC-Entitled Property are as follows:

**303.6.C – Modifications to Submittal Requirements**

SECTION 527. C 3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

527.2. Applicability

The zoning of C 3 Commercial/Light Manufacturing districts may be permitted, subject to the requirements of the Comprehensive Plan, only on land designated as IL (Industrial - Light) or IH (Industrial - Heavy) on the Comprehensive Future Land Use Plan Map, ROR (Retail/Office/Residential) where C 3 Commercial/Light Manufacturing Specific Uses only are proposed, ~~or~~ MU (Mixed Use), **or COM (Commercial)**, where C 3 Commercial/Light Manufacturing Specific Uses only are proposed.

SECTION 530. SUPPLEMENTAL REGULATIONS

530.23. **Community Gardens, Market Gardens and Community Farms**

C. Application, Permit and Fees

1. A permit shall be required for a Community Garden **with structures**, Market Garden **with or without structures** or Community Farm **with structures**.

E. Permitted Uses

1. **Home Garden/Vegetable Garden**

**Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes.**

TABLE 530.23-1

Table of Principal Uses and Conditional Uses by District

Community Gardens, Market Gardens and Community Farms

Zoning District	<u>Home Garden/ Vegetable Garden</u>	PRINCIPAL USE			CONDITIONAL USE		
		Community Garden	Market Garden	Community Farm	Community Garden	Market Garden	Community Farm
A-C	X	X	X	X			
AC-1	X	X	X	X			
A-R	X	X	X	X			
AR-1	X	X	X	X			
AR-5	X	X	X	X			
AR-5MH	X	X	X	X			
E-R	X	X		X		X	
ER-2	X	X		X		X	
R-MH	X	X		X		X	
R-1MH	X	X		X		X	
R-2MH	X	X		X		X	
R-1	X	X		X		X	
R-2	X	X				X	X
R-4	X	X				X	X
MF-1	X						
MF-2	X	X				X	X
MF-3	X	X				X	X
MPUD	X	X				X	X
PO-1		X	X	X			
PO-2		X				X	X
C-1		X				X	X
C-2		X	X	X			
C-3		X	X	X			
I-1		X	X	X			
I-2					X	X	X

F. Development Standards

1. Community Gardens, Market Gardens, and Community Farms are allowable as a Permitted Principal Use in all Agricultural zoning districts. **Home gardens/vegetable gardens are allowable as a Permitted Principal Use in all Residential zoning districts.**

2. Ensure that, if approved, the garden or farm is developed and operated in a safe manner that is consistent with the requirements of this Code and the health, safety, and welfare of Pasco County and its citizens.;

**TABLE 530.23-2  
Community Gardens, Market Gardens and Community Farms  
Development Standards**

General Standards				
Standard	Home Garden/ Vegetable Garden	Community Garden	Market Garden	Community Farm
	A. Can be the primary use on a vacant parcel	X	X	X
B. If parcel is not vacant the garden or farm shall be an accessory to a business or residence.		X	X	X
C. Educational and charitable uses pertaining to the creation and operation of gardens or community farms are allowed		X	X	X
D. All state and federal regulations shall be met.		X	X	X
E. Allowed in Residential districts only if heavy vehicles do not exceed 10% of all vehicle trips			X	X

**TABLE 530.23-3  
Community Gardens, Market Gardens and Community Farms Require Site Plans**

Type	Site Plan Required	
	No Structures	Structures
<del>Home Garden</del>	<del>No</del>	<del>Yes</del>
Community Garden	No	Yes
Market Garden	Yes	Yes
Community Farm	Yes	Yes
If not exempt under Florida Statutes, Chapter 193.46		

**TABLE 530.23-4 Thresholds by Use Type**



Use Type	Vehicle Trips	Parking	Heavy Vehicles	Business Tax Receipt
Code Citation	Vehicle Trips in accordance with Section 901 of this Code.	Parking in accordance with Section 907.1 of this Code.	Heavy Vehicles in accordance with Section 901 of this Code.	Business Tax Receipt in accordance with Article II, Occupational License Tax, Section 102 of the Pasco County Code of Ordinances.
<b>Home Garden/ Vegetable Garden</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
Community Garden	> 14 vehicle Trips < 100 vehicle trips	No	Limited, max 2 per day	No
Market Gardens	> 14 vehicle trips	Yes	Yes	Yes
Community Farm	> 14 vehicle trips	Yes	Yes	Yes
If not exempt under Florida Statutes, Chapter 193.46				

CHAPTER 600. OVERLAY AND SPECIAL DISTRICT AREAS

SECTION 603. CONNECTED CITY STEWARDSHIP DISTRICT

U. Planning Fee Credits for Connected City Property Ownership Group

4. **Unless otherwise approved by the County Administrator or designee,**  
 †The CC POG members shall not utilize more than \$150,000 in Planning Fee Credits, collectively, in any calendar year.

**SUBDIVISION AND PLATTING STANDARDS**

700.3. Exemptions

6. Lot surveys:

- a. The owner or owner's agent shall submit lot surveys of the entire development meeting the requirements of Chapter 5J-17, Florida Administrative Code (FAC), as amended, prepared by a Florida State registered surveyor, to the County Administrator or designee for review and approval. The survey shall use Florida State Plane Coordinates and shall be no larger than 8½" X 14" with a legal description. ~~Within fifteen (15) working days of receipt of the lot surveys the County Administrator or designee shall notify the owner or owner's agent, in writing, of any deficiencies and noncompliance of the survey or approval of.~~ **Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes.**

#### 700.9. Platting

##### A. Draft Record Plat Review

The draft record plat and supporting data shall be submitted for review to the County Administrator or designee. ~~The County Administrator or designee shall, within fifteen (15) working days of receipt of any draft record plat, notify the owner, or owner's agent, in writing, of any deficiencies and noncompliance with such requirements.~~ **Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes.** The draft record plat shall substantially conform to the approved preliminary development plan and approved construction plan.

##### B. Final Record Plat Review and Approval Procedures

12. **Review procedures and timelines shall be in accordance with Chapter 125.022, Florida Statutes.** ~~The County Administrator or designee shall, within fifteen (15) working days of receipt of any final plat, notify the owner or owner's agent in writing of any deficiencies and noncompliance with such requirements.~~ Only after all deficiencies and noncompliance issues have been corrected shall any record plat be considered a final record plat and eligible for recording upon approval of the Board of County Commissioners (BCC).

#### CHAPTER 900. DEVELOPMENT STANDARDS

#### SECTION 901. TRANSPORTATION

##### 901.4. Substandard Roadway Analysis and Mitigation

###### B. Applicability

This section applies to all development where any portion of the development has connection, either directly or indirectly, to County, local, collector, arterial, or controlled access roadways, including non-State public roadways and privately owned roadways on which anyone other than the owners travel.

This section shall apply to the following applications and substantial amendments of same filed on or after June 8, 2004:

2. MPUD Master Planned Unit Developments, **Euclidean Zonings that generate more than 100 daily trips**, Conditional Uses, and Special Exceptions; **provided, however that in no event shall any MPUD (Master Planned Unit Development), Euclidean rezoning, Conditional Use or Special Exception generating less than 50 Peak Hour trips that has access directly to a roadway classified as a Collector or Arterial roadway on the County's Highway Vision Plan and Functional Class Map (Comprehensive Plan Map 7-36) be required to (a) submit or conduct a Substandard Road Analysis as to such Collector or Arterial roadway or (b) provide any substandard roadway mitigation as to such Collector or Arterial roadway.**

C. **Standard of Acceptability**

At least eighty (80) percent of the project traffic shall access the site from the major County road continuously on, not merely crossing, standard roads. Up to twenty (20) percent of the project traffic, but not more than 100 daily trips, **(or 50 Peak Hour trips, as applicable per above)** on any given road, will be allowed to access the site via substandard roads.

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D. **Analysis**

1. **When Required:**

- a. A **Subject to Section 901.4.B, 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, **(or 50 Peak Hour trips, as applicable per above)**, 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.

G. **Relief**

The County Engineer, or designee, is authorized to grant deviations from the requirements of Section 901.4.D or **901.4.E, or 901.4.EF** pursuant to Section 303.6.C or 407.5, as applicable. Relief from the remaining provisions of this section may only be granted by the Board of County Commissioners in accordance with Section 407.4 or the Planning Commission in accordance with Section 407.5.

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901.6. Street Design and Dedication Requirements

E. Roadside Design

5. Standards for driveways for residential construction. All new or reconstructed driveways within right-of-ways shall be designed to conform to all of the following criteria as applicable:

**c. Townhome Garages. Minimum width, nine (9) feet.**

901.9. **Street Naming and Addressing**

C. Street Names

5. **Street names that have a secondary name, such as a vanity name or memorial name, shall not use that name for addressing purposes.**

SECTION 902. STORMWATER

K. Lot Drainage

2. Conditions

- a. The following conditions may be modified as approved by the County Engineer and Public Works Director or designees.

(3) Lots graded as "Type A," which back up to other lots, shall ~~require the installation of gutters on the sides and backs connecting to roof leaders and discharging to the front of the lot~~ **comply with Figure 902.2.A.** These lots do not require a drainage easement at the rear of the lots.

(7) ~~Gutters and/or R~~oof structures shall not discharge to side lot-lines.

- c. **The following exceptions that do not impede drainage may be allowed in setbacks:**

**(1) Within Drainage Easements:**

**(a) Fences are removed and/or replaced at the owner's expense for any required maintenance within the Drainage Easement;**

**(b) Fences do not impede positive drainage flow;**

**(c) Fences do not impede access to drainage facility.**

- d. **Within Setbacks:**

**(1) Fences do not impede positive drainage flows;**

**(2) Fences are removed and/or replaced at the owner's expense for any required maintenance and/or regrading to provide positive drainage flow.**

905.2. Landscaping and Buffering

B. Applicability

2. ~~Redevelopment Landscaping. Developments that existed on February 26, 2002, that do not comply with the provisions of this subsection shall be brought into compliance when a new building permit or preliminary site plan application is submitted pursuant to this Code according to the following:~~

a. ~~Intent and Purpose~~

~~The intent and purpose of this section is to provide for the timely compliance with the landscaping and buffering provisions of this Code, while recognizing and encouraging redevelopment. As such, the requirement for bringing a site into conformance with this section will be based on the degree of investment proposed for the site.~~

b. ~~Improvements Required~~

~~Landscaping and buffering requirements in circumstances of redevelopment shall be as shown in Table 905.2-A.~~

**TABLE 905.2 A**

<b>Circumstance</b>	<b>Conformity Required</b>
<del>• Alteration of vehicular use area other than restriping, resealing, or resurfacing.</del>	<del>• Expanded area shall provide the required minimum landscape area as required by Table 905.2.C.</del>
<del>• Existing structure size is expanded by up to twenty five (25) percent.</del>	<del>• Building perimeter landscaping shall be required adjacent to any addition, where feasible.</del>
<del>• Structure size is expanded by more than twenty-five (25) percent.</del>	<del>• Building perimeter landscaping shall be installed adjacent to the entire building, where feasible.</del>
<del>• Value of work associated with redeveloped, remodeled, or renovated structure (except ordinary repair and maintenance) is between twenty-five (25) and fifty (50) percent of the appraised value.</del>	<del>• Buffers shall be installed: <ul style="list-style-type: none"> <li>◦ Along roadways.</li> <li>◦ Adjacent to residential properties.</li> </ul> • Building perimeter landscaping adjacent to addition.</del>
<del>• Value of work associated with redeveloped, remodeled, or renovated structure (except ordinary repair and maintenance) is between fifty-one (51) and seventy-five (75) percent of the appraised value.</del>	<del>• All property buffers shall be installed. • Building perimeter landscaping adjacent to addition, where feasible.</del>

<ul style="list-style-type: none"> <li>Value of work associated with redeveloped, remodeled, or renovated structure (except ordinary repair and maintenance) exceeds seventy-five (75) percent of the appraised value.</li> </ul>	<ul style="list-style-type: none"> <li>All property buffers.</li> <li>All building perimeter landscaping, where possible.</li> <li>All vehicular use landscaping.</li> </ul>
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NOTE: Appraised value shall be as shown by the Property Appraiser. The value of improvements shall be cumulative from February 26, 2002.

c. Options for Relief

Recognizing that redevelopment and renovation presents its own special challenges, an applicant may pursue the following approaches to obtain relief from the strict application of the above standards.

- (1) Alternative Standards. An applicant may propose an alternative standard pursuant to Section 407.5 to the required planting, meeting the purpose and intent of this section for a balance between conformity with this section and the encouragement of redevelopment. Alternative standards may be appropriate based on the adjacent uses and the ability of practical installation.
- (2) The County Administrator or designee may grant relief from the strict application of the above standards without requiring an alternative standard application pursuant to Section 407.5, if the applicant is able to demonstrate with the preliminary plan/preliminary site plan that the landscaping and buffering provided is the maximum possible that can be accommodated given the existing conditions on site.
- (3) Performance Security. Where performance security in a form acceptable to the County is provided, the landscaping and buffering required in Table 905.2 A may be installed in phases over a five (5) year period.
- (4) County Assistance. Developments required to be brought into compliance with this section shall be eligible to apply to the Board of County Commissioners (BCC) through the County Administrator or designee for reimbursement of the reasonable cost of drought tolerant or native trees and landscaping plants as listed by Southwest Florida Water Management District (SWFWMD) or the University of Florida Institute of Food and Agricultural Sciences (IFAS), and approved by the County Administrator or designee in an amount not to exceed \$10,000.00 from the Tree Mitigation Fund. The said reimbursement amount may be amended from time to time by resolution of the BCC.

TABLE 905.2-D

Subject Property's District/Use***		Adjacent District/Use****										
		1	2	3	4	5	6	7	8	9	10	11
1.	Agricultural Districts (A-C Agricultural, AC-1 Agricultural, A-R Agricultural-Residential, AR-1 Agricultural- Residential, AR-5 Agricultural-Residential,	-	-	-	-	-	-	-	-	-	-	F

	AR-5MH Agricultural-Residential)											
2.	Residential Single-Family Districts (E-R Estate-Residential, ER-2 Estate-Residential, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential)	A	-	B	B	B	B	B	D	C	C	F
3.	Multiple Family Districts (MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family)	A	B	-	B	B	B	B	D	C	C	F
4.	Mobile Home Districts (R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home)	A	B	B	-	B	B	B	D	C	C	F
5.	Commercial Districts/Uses (C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Commercial/Light Manufacturing)*	A	B	B	B	A	A	A	D	B	C	F
6.	Professional Office Districts/Uses (PO-1 Professional Office, PO-2 Professional Office)	A	B	B	B	A	A	A	D	B	C	F
7.	Industrial Districts/Uses (C-3 Commercial/Light Manufacturing, I-1 Light Industrial Park, I-2 General Industrial Park)	B	C	B	B	B	B	E	D	B	C	F
8.	Rights-of-Way**	-	D	D	D	D	D	D	-	G	C	F
9.	Automotive Service Stations and Convenience Stores With Gas Pumps	B	C	C	C	B	B	B	G	B	C	F
10.	Vehicle Dealerships	A	H	H	H	A	A	A	D	A	A	D
11.	Mining Operations/Construction and Demolition Debris Disposal Facilities/Landfills (All Types)	-	C	C	C	C	C	C	C	C	-	F
12.	Controlled Access Roadways	F	F	F	F	F	F	F	F	F	F	-

**\*\*\*\*Unless specifically stated elsewhere in this Code, landscape buffers shall be from the zoning district or use, whichever is the stricter of the two.**

### Appendix A

#### DEFINITIONS

**Development order.** Any order granting, denying, or granting with conditions an application for a ~~plan amendment~~, rezoning, or subdivision approval, Building Permit, certification, special exception, variance, or any other official action of County government having the effect of permitting the development of land.

**Home Garden/Vegetable Garden.** Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes. ~~A piece of ground for the cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock, with less than 14 vehicle trips daily, with limited heavy vehicle use.~~

**Home gardening.** ~~The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.~~

Vegetable Garden/Home Garden. **Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes.**

**Wastewater service facilities.** Those facilities owned or operated by the County which a need is created for by new service connections. The wastewater service facilities include, but are not limited to:

1. Wastewater treatment facilities that generally consist of treatment, reclaimed water **production**, effluent disposal, associated equipment, and the land on which the facilities are located.
2. Wastewater transmission facilities that consist of interceptor (trunk) gravity lines, pumping stations, and selected force mains serving as the backbone piping transferring wastewater from localized collection facilities to the treatment facilities.

**Water-service facilities.** Those facilities owned or operated by the County which a need is created for by new service connections. The water facilities include, but are not limited to:

1. Water treatment facilities that generally consist of source of supply, raw water transmission, treatment, storage, and high-service pumping, associated equipment, and the land on which the facilities are located.
2. Water-transmission facilities that consist of selected water mains serving as the backbone piping providing services to the localized distribution facilities.
3. **Reclaimed water storage facilities and reservoirs and transmission facilities that consist of selected reclaimed water mains serving as the backbone piping providing services to the localized distribution facilities.**