



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 10, 2022

Ms. Nikki Alvarez-Sowles, Esq.
Pasco County Clerk and Comptroller
The East Pasco Governmental Center
14236 6th Street, Suite 201
Dade City, Florida 33523

Attention: Allie Knupp

Dear Ms. Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 22-11, which was filed in this office on March 10, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

SENT TO STATE

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO: 22-11

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING A TEMPORARY MORATORIUM (180 DAYS) ON THE ESTABLISHMENT OR OPENING OF ANY NEW OR USED CAR, TRUCK, OR VAN SALES BUSINESS WITHIN THE UNINCORPORATED AREA OF PASCO COUNTY; PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; MORATORIUM AREA; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; AND SEVERABILITY.

WHEREAS, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners is authorized to adopt ordinances necessary to exercise its powers; and

WHEREAS, the Board of County Commissioners finds that new and used car, truck, and van (hereinafter collectively referred to as "vehicle" and "vehicles") sales businesses operate in an unsafe manner by storing too much product on their sites which has affected the quality of life of surrounding neighborhoods and are creating dangerous situations on and off the sites; and

WHEREAS, Pasco County Code Compliance has in numerous occasions investigated various complaints relating to vehicle sales businesses that may necessitate additional regulations to be adopted; and

WHEREAS, the Pasco County Board of County Commissioners seeks to establish a temporary moratorium on the opening or establishment of any new vehicle sales business within the unincorporated County to determine whether additional regulations are necessary; and

WHEREAS, during the time of the temporary moratorium, the amount of physical space necessary for the product parked on site for the safe operation of the sites shall be studied and proposed amendments to the Land Development Code considered; and

WHEREAS, during the time of the temporary moratorium, other regulations for vehicle sales businesses will be determined and presented to the Board for discussion and further direction; and

WHEREAS, the Board of County Commissioners finds and declares a need to impose the temporary moratorium within the unincorporated area to provide the Planning and Development Department the time necessary to study the issues and to draft appropriate regulations; and

WHEREAS, the Board of County Commissioners has conducted the duly public hearings as required by law, at which hearing all parties-in-interest and citizens were afforded notice and the opportunity to be heard; and

WHEREAS, the Board of County Commissioners hereby finds and declares that this Ordinance is consistent with the 2025 Pasco County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a

valid and important public purpose.

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, (2021) and under the home rule powers of the County in the interest of the health, peace, safety, and general welfare of the people of Pasco County.

SECTION 2. LEGISLATIVE FINDINGS OF FACT.

The foregoing Whereas clauses, incorporated herein, are true and correct. The Board further finds that for the Planning and Development Department to have the ability to accurately calculate and determine the appropriate regulations necessary to address safety and quality of life concerns presented by vehicle sales businesses, and present its findings to the Board, it is necessary to place a moratorium on the opening and establishment of vehicle sales businesses.

SECTION 3. MORATORIUM AREA.

This temporary moratorium is applicable to the unincorporated area of Pasco County, Florida.

SECTION 4. TEMPORARY MORATORIUM IMPOSED.

The County hereby imposes a temporary moratorium on the opening or establishment of a new vehicle sales business within the unincorporated area of Pasco County.

The only exception to this moratorium are vehicle sales businesses that, before or after the effective date of this moratorium, have a County-approved site plan and are operating in accordance with the County-approved site plan and any County-approved amendments to that County-approved site plan.

The adoption of this Ordinance is undertaken by the County in good faith and is intended to further the goals of the Comprehensive Plan and Chapter 163, Florida Statutes, and is not intended to discriminate against those landowners which may be subject to this Ordinance.

SECTION 5. DURATION OF TEMPORARY MORATORIUM.

The duration of this temporary moratorium shall be one hundred eighty (180) days from February 3, 2022 or until such time as repealed by the County, whichever occurs first, and may be extended by resolution of the Board to the extent permitted by law. In addition, this temporary moratorium shall not exceed one hundred eighty (180) days unless approved by the Board of County Commissioners by a majority vote. The limited duration of this temporary moratorium has been established in order to accomplish appropriate planning for future development through the Land Development Code amendment process as described in Chapter 163, Part II, Florida Statutes, and the Comprehensive Plan.

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. ORDINANCE EFFECTIVE DATE.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon confirmation by the Department of State of its receipt.

ADOPTED with a quorum present and voting this 8th day of March, 2022.



ATTEST:
BY: Nikki Alvarez-Sowles, Esq.
NIKKI ALVAREZ-SOWLES, ESQ
PASCO COUNTY CLERK & COMPTROLLER

APPROVED
IN SESSION
MAR 08 2022
PASCO COUNTY
BCC

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: Kathryn Starkey
KATHRYN STARKEY, CHAIRMAN