CERTIFIED DOCUMENT

BY THE BOARD OF COUNTY COMMISSIONERS ORDINANCE NO. 16-13

AN ORDINANCE ADOPTING SECTION 804 OF THE PASCO COUNTY LAND DEVELOPMENT CODE (ECOLOGICAL CORRIDORS AKA CRITICAL LINKAGES); AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pasco County entered into a Settlement Agreement in August 2000 with various litigants that required modifications to the Comprehensive Plan, including the Conservation Element; and

WHEREAS, the Pasco County Board of County Commissioners (the Board) commissioned a study to assess measures to protect wildlife in Pasco County; and

WHEREAS, in March 2002 the Board accepted the study, *Assessment of Measures to Protect Wildlife Habitat in Pasco County (Habitat Study)*, as amended, which recommends a regional approach for habitat protection by designating Ecological Corridors (aka Critical Linkages) connecting public lands and identifies seven (7) Critical Linkages to be set aside for conservation and habitat preservation; and

WHEREAS, the Board appointed an Environmental Lands Acquisition Task Force (ELATF) that assessed options for a land acquisition program and recommended funding such a program through a Local Government Infrastructure Surtax; and

WHEREAS, on March 9, 2004 Pasco County voters approved a referendum known as the "Penny for Pasco," which provided approximately $38 million in revenue for acquisition of environmentally sensitive lands through 2015; and

WHEREAS, by Resolution No. 04-233, the Board established the Environmental Lands Acquisition and Management Program (ELAMP), appointed an Environmental Lands Acquisition Selection Committee (ELASC), and established procedures for acquiring environmentally sensitive lands through nomination, scoring criteria and purchase; and

WHEREAS, lands nominated for acquisition and enrollment into the ELAMP program require nomination by interested parties and a willing seller; and

WHEREAS, nominated lands are reviewed by the ELASC for consistency with the goals, objectives, and policies of the ELAMP, ecological value based on site scoring criteria, and other factors such as endangerment potential, additional funding sources, and public interest, and lands recommended to be added to the Acquisition List by the ELASC are presented to the Board for final decisions on acquisition; and

WHEREAS, the County has hired a Natural Resources Manager and Environmental Lands Program Coordinators to work with the ELASC and oversee the acquisition and long-term management of lands acquired by the County and other resource partners, and long-term strategies for natural resource management on these parcels are coordinated so that natural vegetative communities, wildlife populations, and linkages between conservation areas are protected or enhanced; and

STATE OF FLORIDA, COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE DOCUMENT
ON FILE OR OF PUBLIC RECORD IN THIS OFFICE
WITNESS MY HAND AND OFFICIAL SEAL THIS
_____ DAY OF _____
PAULA S. O'NEIL, CLERK & COMPTROLLER
BY: _____ DEPUTY CLERK

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WHEREAS, ELAMP has numerous projects under review and has acquired from willing sellers more than approximately 4,000 acres to date, preserving such acres for the citizens and future generations of Pasco County; and

WHEREAS, property adjacent to or near lands preserved in their wild state is more desirable in a real estate market; and

WHEREAS, the Conservation Element of the Pasco County Comprehensive Plan adopted in June 2006, as amended, Policy CON 1.2.1 identifies the Critical Linkages as delineated in the *Habitat Study*, and Policy CON 1.2.2 includes a requirement to amend the Land Development Code to define use limits and enforcement of development standards regarding Critical Linkages; and

WHEREAS, the 2007 draft ordinance was presented at public workshops across the County, and due to concerns raised by the public, the Board directed Staff to revise the Ordinance; and

WHEREAS, on July 28, 2009, the Board adopted a Strategic Plan for 2009-2012 that identifies as one of the six strategic challenges for Pasco County the preservation of environmentally sensitive lands in order to conserve open space for future generations, protect the public water supply, and provide wildlife habitat, and includes as a Key Intended Result the addition of 250 acres of new conservation-protected land to the County's inventory per year; and

WHEREAS, a 2009 revised ordinance addressing citizen concerns was presented to the Board of County Commissioners; and

WHEREAS, the Board chose to table the 2009 Ordinance to a later date; and

WHEREAS, on November 6, 2012, Pasco County voters once again approved a referendum for the Penny for Pasco to provide continued funding of ELAMP; and

WHEREAS, the County's 2016 Business Plan provides specific action items to meet the objectives of the 2013-2017 Strategic Plan, and outlines the need to finalize additional environmental regulations, including those associated with critical linkages; and

WHEREAS, in Spring, 2015 Staff reintroduced an updated draft Ordinance at a series public meetings; and

WHEREAS, the Local Planning Agency (LPA) held three separate public hearings on July 9, 2015; September 10, 2015; and April 28, 2016, respectively; and

WHEREAS, the Board of County Commissioners held two separate Workshops, on August 10, 2015 and September 15, 2015, respectively; and

WHEREAS, Staff has revised the Ordinance in response to Board, LPA, and public comments; and

WHEREAS, the LPA has recommended approval to the Board; and

WHEREAS, the Board of County Commissioners has found this Ordinance to be consistent with the Comprehensive Plan.

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 (2013) 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 Land Development Code amendment on existing development approvals and requests for modifications of such approvals shall be as provided in Sections 804.2 and 804.3 of the restated Land Development Code.

SECTION 4. Amendments

The Pasco County Land Development Code is hereby amended as shown and described in Attachment 1, attached hereto and made part thereof.

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 provision and shall not be affected by such holding.

SECTION 6. Repealer.

Any ordinance or part of any ordinance, in conflict herewith is hereby repealed to the extent of any conflict.

SECTION 8. Effective Date

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Circuit Court within ten (10) days after adoption of this Ordinance and this Ordinance shall take effect on the date of filing.

ADOPTED this 21st day of June, 2016.

(SEAL)

ATTEST:

Paula S. O'Neil, Clerk and Comptroller

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

KATHRYN STARKEY, CHAIRMAN

APPROVED
IN SESSION
JUN 21 2016
PASCO COUNTY
BOCC

ATTACHMENT 1

PASCO COUNTY LAND DEVELOPMENT CODE
SECTION 804 – ECOLOGICAL CORRIDORS

CHAPTER 800. NATURAL AND CULTURAL RESOURCES PROTECTION

SECTION 804. ECOLOGICAL CORRIDORS

804.1. Intent and Purpose

It is the intent and purpose of this Section to:

A. implement Objective CON 1.2, Critical Linkages, of the Conservation Element of the Comprehensive Plan, as amended;
B. henceforth refer to Critical Linkages as Ecological Corridors, areas identified as connecting the County's core conservation tracts to maintain ecological functions and conserve natural resources at a regional scale. "Ecological Corridors in this Section 804 have the same meaning as "Critical Linkages" in the Comprehensive Plan, existing MPUD's and MPUD applications, the Land Development Code, and similar laws and regulations, as well as the documents filed in connection therewith;
C. implement the Critical Linkage (Ecological Corridor) portion of *Assessment of Measures to Protect Wildlife Habitat in Pasco County*, March 2002, (The Habitat Study) as amended;
D. establish the specific boundaries of the Ecological Corridors;
E. provide for transfer of development rights and compensation options ; and
F. establish the permitted and prohibited uses within the Ecological Corridors subject to these regulations.

804.2. Applicability

A. Development Applications Increasing Density or Intensity

Any zoning amendment, conditional use, special exception, Development of Regional Impact (DRI), or comprehensive plan amendment that proposes an increase in density or intensity after the effective date of this Section and that has an Ecological Corridor within the property boundaries is subject to this Section. All density or intensity must be transferred out of the Ecological Corridor. All such projects, except conditional uses and special exceptions, shall be rezoned and reviewed as a Master Planned Unit Development (MPUD) in accordance with this Code, Section 522 or Conservation Subdivision MPUD (Section 522.7). The MPUD application must include all contiguous or nearby lands within the Ecological Corridor that are owned by the applicant or a related landowner, and all contiguous or nearby lands outside the Ecological Corridor that are owned by the applicant or a related landowner, but only if such lands outside the Ecological Corridor are necessary to achieve or accommodate any density or intensity transfer or other incentives allowed pursuant to Section 804.10.

For purposes of this Section, the term "related landowner" shall include a relative, as that term is defined in Section 112.3143(1)(c), Florida Statutes, a partnership in which any of the same persons or entities are partners, a corporation in which any of the same persons are officers or directors, or a

similar related entity as determined by the County Administrator, or designee. Specific MPUD application or submittal requirements may be waived or deviated from in accordance with the criteria in this Code, Section 303.6.C.

For purposes of this Section, the term "increase in density or intensity" shall mean adding additional residential units (density) or additional non-residential square footage or land uses (intensity) to the property within the Ecological Corridor above and beyond the maximum number of residential units or non-residential square footage or land uses permitted as of right by the existing zoning in the Ecological Corridor, even if there is an overall reduction in density or intensity once property outside the Ecological Corridor is included in the project boundaries. The term specifically excludes residential or non-residential additions to property (e.g. barns, storage sheds, swimming pools, fences/walls, driveways, landscaping, parking, signs, etc.) that are permitted as-of-right by the existing zoning on the property.

B. Voluntary Applicability

Any applicant having an Ecological Corridor within his/her property boundaries not seeking an increase in density/intensity is not subject to this Code, Section 804.2.A. above, but may voluntarily elect to subject any development application to the requirements of this Section.

804.3. Exclusions

A. Prior Development Approvals in Accordance with Existing Zoning

Projects that are already subject to Subarea policies, or that have already received MPUD, conditional use, special exception, preliminary plan, construction plan or building permit approval, or a Certificate of Occupancy, before the effective date of this Section, or projects that have submitted applications for such approvals that are deemed complete or sufficient prior to April 28, 2016, are not subject to this Section. Such approvals shall continue to be subject to any applicable site plan, conditional use, special exception, or MPUD conditions of approval, or Subarea policies, relating to Ecological Corridors, and increases in density or intensity within such approvals after the effective date of this Section and within any Ecological Corridor shall be subject to the requirements of this Section. In addition, if such prior approvals established Ecological Corridor boundaries or permitted uses which differ from the boundaries or permitted uses in this Code, Section 804, or the Conservation Element of the Comprehensive Plan, the boundaries and permitted uses shall be governed by the prior approvals in lieu of this Code, Section 804, and the Conservation Element of the Comprehensive Plan.

B. All Development Applications Not Increasing Density or Intensity

All development applications consistent with the existing zoning district in effect as of the effective date of this Section, and all development applications that do not propose an increase in density or intensity shall not

be subject to this Section. The density or intensity for such applications is not required to be transferred out of the Ecological Corridor. However, such development applications (other than building permits and certificates of occupancy) shall be forwarded to the Environmental Lands Program (ELAMP) Manager for review and consideration in order to contact the property owner and inquire as to their interest in a voluntary nomination of the property for acquisition through ELAMP. Such development applications shall not be denied or delayed due to their location within an Ecological Corridor, unless the applicant agrees otherwise.

C. All lawfully permitted uses and structures within an Ecological Corridor existing prior to the effective date of this Section shall not be affected by this Section.

D. Land within the Ecological Corridor that has existing residential units constructed at a density greater than one (1) dwelling unit per acre, or is isolated from the Ecological Corridor by existing residential units constructed at a density greater than one (1) dwelling unit per acre, is excluded from the Ecological Corridor and from the requirements of this Section.

804.4. Habitat Study and Guidelines

The *Assessment of Measures to Protect Wildlife Habitat in Pasco County*, March 2002, as amended, is hereby found by the Board of County Commissioners (BCC) to be the basis for the Ecological Corridor boundaries and regulations.

The *Guidelines for Ecological Corridors*, as referenced throughout this Section, as amended, shall be adopted by resolution of the BCC.

804.5. Ecological Corridor Designations

A. The Ecological Corridors defined below have been identified to maintain a contiguous network of wildlife habitat between existing public lands to protect and conserve native vegetative communities, endangered and threatened species, and natural functions of wildlife habitats, including wetlands.

Map 3-4 (Ecological Corridors) of the Conservation Element of the Comprehensive Plan (Exhibit 804-1 of this Section) shall establish the boundaries of the Ecological Corridors, except when boundaries are established through the boundary refinement and deviation criteria in Section 804.7, and except when boundaries have been established in the Subarea Map of Map 2-9 or in any prior development approvals as listed in this Code, Section 804.3.A. Subject to the foregoing exceptions, the descriptions of the Ecological Corridors and the approximate boundaries are as follows:

1. North Pasco (Starkey) to Crossbar Ecological Corridor

Description: This Ecological Corridor follows the Pithlachascotee River and begins at the northern County line along the Masaryktown Canal to the Crossbar Ranch wellfield. Crews Lake Park lies

approximately midway between the north Pasco and Crossbar wellfields and is included in the Ecological Corridor. Large portions of this corridor are not currently in public ownership. The overall distance between the public lands to be interconnected requires a width of 2,200 feet to provide functionality for this Ecological Corridor. The Corridor contains flatwoods, mesic hammocks and forested wetlands associated with the Pithlachascotee floodplain, including the extremely dynamic hydrologic basin associated with Crews Lake, but also will preserve portions of the historic Sandhill communities as it approaches the Crossbar Ranch. The essential features are the flatwoods, mesic hammocks, forested wetlands, the Pithlachascotee floodplain and xeric uplands on either side of the Masaryktown Canal.

Boundaries: Being one thousand one hundred (1,100) feet on each side of the centerline of Pithlachascotee River and its associated wetlands, flatwoods and uplands, extending from the Starkey Wilderness Park easterly boundary to the Cross Bar Ranch westerly boundary, conceptually indicated on Exhibit 804-1 of this Section.

2. Crossbar to Connerton Ecological Corridor

Description: The Conner Preserve, formerly known as the Connerton purchase, serves as the nexus for three of the seven Ecological Corridors. The Crossbar to Connerton connection is a 2,200-foot-wide corridor that will preserve a broad expanse of herbaceous marshes in the west central portion of the County. Much of the area encompassed by the Crossbar to Connerton Ecological Corridor is comprised of seasonally flooded sandhill and flatwoods marshes. The mosaic created by the presence of these marshes, flatwoods and imbedded adjacent uplands provides for the preservation of seasonally flooded, mesic and xeric habitats that will be used by a wide variety of wildlife. The essential features are the Sandhill, marsh and flatwood habitats which create a unique mix of diverse habitat types within the confines of this corridor.

Boundaries: Being one thousand one hundred (1,100) feet on each side of the centerline of the Category 1 wetlands, extending from the Conner Preserve northerly boundary to the Al Bar Portion of Crossbar Ranch southerly boundary, conceptually indicated on Exhibit 804-2 of this Section.

3. North Pasco (Starkey) to Connerton Ecological Corridor

Description: Throughout much of its approximately four-mile course, this Ecological Corridor incorporates the forested wetland systems associated with Five Mile Creek. There is an existing large, open span undercrossing at the juncture with the Suncoast Parkway. An additional large mammal undercrossing is designed for this Corridors' juncture with U.S. 41 providing connectivity with the Conner Preserve. Much of the western portion of this 2,200-foot-wide corridor is

comprised of forested wetlands and the floodplain associated with Five Mile Creek. This corridor includes areas of historic flatwoods habitat that have been modified to agricultural and silvicultural use. The flatwoods communities can be restored as part of the preservation of this Corridor, but several areas of relic Sandhill also exist within the confines of the recommended Corridor boundaries enhancing its diversity and value as habitat. The essential features within the confines of the Ecological Corridor are the forested wetlands and floodplain associated with Five Mile Creek and the small, imbedded upland habitats within the limits of the Ecological Corridor boundary.

Boundaries: Being one thousand one hundred (1,100) feet on each side of the centerline of the Five Mile Creek wetlands and associated uplands, extending from the Starkey Wilderness Park easterly boundary to the Conner Preserve and Connerton Conservation Easement westerly boundaries, conceptually indicated on Exhibit 804-3 of this Section.

4. Cypress Creek to Connerton Ecological Corridor

Description: The required 550 foot width of this Ecological Corridor is based on its relatively short distance between the Conner Preserve and the Cypress Creek Wellfield. The majority of this Corridor includes wetlands associated with Cypress Swamp that were historically associated with the mosaic of wetlands in the northeast corner of the Connerton Ranch. This Ecological Corridor crosses Ehren Cutoff (S.R. 583) and the planned design of an improved, realigned roadway in the future must incorporate a large mammal crossing to provide corridor continuity and connectivity from the Cypress Creek wellfield to the Conner Preserve. The essential features is establishing and preserving the connectivity between the Conner Preserve and the Cypress Creek Wellfield employing the wetlands and imbedded uplands at the nearest point between the two areas of public lands.

Boundaries: Being two hundred twenty five (225) feet on each side of the centerline of the Category 1 wetlands, extending from the Conner Preserve easterly boundary to the Cypress Creek Wellfield northwesterly boundary, conceptually indicated on Exhibit 804-4 of this Section.

5. Starkey to South Pasco Ecological Corridor

Description: This Ecological Corridor extends south of the SWFWMD lands along South Branch, a tributary of the Anclote River, ultimately to the connection with Brooker Creek in Hillsborough County. Much of this Corridor has been impacted by development. Due to the urban nature of the connection south of the SWFWMD lands, and the relatively short distance of this Corridor, the required width is 1100

feet with a 550-foot-wide extension to the east for a necessary connection to the South Pasco wellfield. The essential features are the South Branch tributary, its associated floodplain and the wetlands, flatwoods and small upland areas within the confines of the Ecological Corridor.

Boundaries: Being five hundred fifty (550) feet on each side of the centerline of the South Branch and associated wetlands, flatwoods and uplands, including portions of the floodplain, extending from the Starkey Wilderness Park southerly boundary to the Pasco-Hillsborough County line northerly boundary and two hundred twenty five (225) feet on each side of the centerline of the South Branch tributary to the South Pasco Wellfield westerly boundary, conceptually indicated on Exhibit 804-5 of this Section.

6. Cypress Creek to Cypress Bridge Ecological Corridor

Description: This relatively short Ecological Corridor is urban in nature but is essential to facilitate dispersal of wildlife through the surrounding altered landscape. This Corridor is vitally important to preserve habitat and connectivity through the urbanized "bottleneck" between the large conservation lands associated with Cabbage Swamp and Cypress Swamp and the conservation lands in Hillsborough County. The preservation and protection of this Corridor is very important because of the impacts associated with S.R. 54/Interstate 75 transportation corridor and associated development along its course. However, preservation of the remaining forested wetlands associated with Cypress Creek and its floodplain will provide a minimal sustainable area of valuable natural habitat. The essential features are the protection of the Cypress Creek channel and its associated floodplain as a designated Outstanding Florida Water; protection of the surface water resource; and preservation of the remaining forested wetlands within the defined Ecological Corridor boundaries.

Boundaries: Being two hundred seventy five (275) feet on each side of the centerline of Cypress Creek, and increasing to being five hundred fifty (550) feet on each side of the center line of Cypress Creek, extending from the Cypress Creek Wellfield southerly boundary to the Pasco-Hillsborough County boundary, conceptually indicated on Exhibit 804-6 of this Section.

7. Hillsborough River to Green Swamp Ecological Corridor

Description: Extensive purchases by the SWFWMD have already taken place along the proposed Hillsborough River Ecological Corridor. Although C.R. 39 currently crosses the Hillsborough River, the protection of the river and its floodplain in this portion of the County has been prioritized by the SWFWMD. For the most part, this portion of the river is surrounded by agricultural uses, but continues to

support a sufficiently wide forested floodplain throughout the Ecological Corridor. Because of the importance of the Hillsborough River surface water resource and the habitat value of, the remaining forested floodplain, the Ecological Corridor is established at a width of 2,200 feet. The essential features are the forested areas associated with the Hillsborough River floodplain, the 100 year floodplain and continuity with the existing SWFMD lands.

Boundaries: Being one thousand one hundred (1,100) feet on each side of the centerline of the wetlands and floodplains associated with the Hillsborough River, extending from the Pasco-Hillsborough County line northerly boundary to the Green Swamp westerly boundary, conceptually indicated on Exhibit 804-7 of this Section.

804.6. **Application Procedure**

All development applications to which this Section expressly applies shall be processed in accordance with this Code, Section 402.2., Zoning Amendment – MPUD Master Planned Unit Development, and the County may waive the MPUD rezoning application fees for such applications.

However, applications to modify the boundaries pursuant to Section 804.7.D. shall not require an MPUD application.

804.7. **Establishing Ecological Corridor Boundaries**

A. The boundaries of the Ecological Corridor shall be determined based on the GIS data indicating the appropriate Exhibit referenced in 804.5. Such boundary shall be used to determine the Ecological Corridor area and determine the transferable density indicated in 804.10. However, the applicant may request to deviate from such boundary, pursuant to 804.7.D. or the applicant may elect to further refine the boundaries pursuant to 804.7.B. and C.

B. The boundaries shall be further refined by the County at the time of conveyance of the conservation easement or deed, pursuant to this Code, Section 804.12, through preparation of a legal description using state-approved mapping standards by a registered Florida land surveyor. Until such time that the legal description is prepared, Exhibits 804-1 through 804-7 shall be utilized to determine the Ecological Corridor boundaries for purposes of applying the regulations in this Section.

C. The following methodology shall be used by the County to determine an Ecological Corridor boundary on the ground: Using the appropriate Pasco County GIS-Natural Resources/Critical Linkage Exhibits 804-1 through 804-7, the coordinates shall be translated into the Florida State Plane Coordinates to identify the boundary of the Ecological Corridor. This boundary shall be indicated by monumentation on the ground. A legal description shall be prepared by a registered Florida surveyor for review and confirmation, which may include a field review, by the County Administrator or designee. The

bearings shown in the legal description shall be referenced to grid and on state plane coordinates based on the Pasco County Primary Horizontal Control Network.

D. In the event an applicant or the County wishes to propose modification of the boundaries established in Section 804.7.A, the applicant or the County shall provide an application and associated fee that establishes one of the following:

1. Any movement or reconfiguration of the location of the Ecological Corridor:

   a. continues to maintain the purpose of the corridor width in the Habitat Study by providing a contiguous network of wildlife habitat between existing public lands to protect native vegetative communities, protected species, and the natural functions of wildlife habitats as indicated in Section 804.5. The connectivity, protection, and functions will be measured by comparing the score of the existing Ecological Corridor area in the specified parcel, using the *Guidelines*, with the score of the proposed modified Ecological Corridor area in the specified parcel.

   b. does not adversely affect any adjacent property owners; and

   c. continues to connect the publicly owned parcels.

2. Reduction of the Ecological Corridor because a portion or portions of land within the Ecological Corridor is highly disturbed and along the edge of the Ecological Corridor:

   a. Highly disturbed shall mean land areas that are covered by non-residential development, parking lots, paved streets and sidewalks, lands with existing or a former use as sanitary landfills or construction and demolition (C&D) debris facilities, and lands officially designated as brownfields or known hazardous waste sites which have not been rehabilitated, as identified by the Florida Department of Environmental Protection, through an Environmental Site Assessment (Phase 1 or 2) by a qualified environmental consultant, or as evident by past land use.

   b. Highly disturbed shall not mean lands with existing low density residential development less than one (1) dwelling unit per acre, agricultural lands, and properties where the disturbed portion is less than 50% of the total parcel or the disturbed portion can be restored to a state that can offer equivalent functions as provided by natural wildlife habitats, as determined by the County Administrator or designee.

3. Reduction, based on exclusion of the area in the existing Ecological Corridor because the Environmental Land Selection Committee and the BCC decline to acquire land within the corridor, or land within the corridor receives a score identified below:

   a. For lands nominated to ELAMP: the site selection scoring criteria utilized by the Environmental Lands Selection Committee, with modification as set forth in the *Guidelines for Ecological Corridors*, (February 2, 2015, as amended) and shall be used as a criteria in determining whether or not a corridor can be reduced based on a total score below 25 and combined Natural Linkages score below 5.

   b. For lands not nominated to ELAMP: the scoring of the subject parcel shall be based on a site specific report satisfying the criteria set forth in the *Guidelines for Ecological Corridors*. The scientific report shall be prepared by an environmental consultant with the minimum qualifications set forth in the *Guidelines* and provided for review and approval by the County Administrator or designee.

E. The County Administrator or designee shall issue a final written determination on the boundary modification application no later than one hundred twenty (120) days after the filing of a complete boundary modification application, unless the applicant agrees to extend such deadline. In the event the County, the applicant, or any potentially affected adjacent property owner are unable to agree on the establishment of any of the factors in subsection D.1. through 3., the County, the applicant, or any potentially affected adjacent property owner may file an appeal application (in accordance with this Code, Section 407.1) to the DRC. The decision of the DRC may be appealed to the BCC pursuant to this Code, Section 407.5.E.2. If a boundary modification is granted pursuant to this subsection the County shall process a proposed amendment of Comprehensive Plan Map 3-4 to reflect the boundary modification. Such amendment(s) shall be processed no later than one year from the date the boundary modification is granted.

F. Designation of Ecological Corridors

1. MPUDs. The area that is delineated as the Ecological Corridor shall be preserved in perpetuity in accordance with Sections 804.12.A.2. and 3., subject to the permitted uses set forth in this Section, and indicated on the MPUD Master Plan as Conservation.

2. Comprehensive Plan Amendments. The area that is delineated as the Ecological Corridor shall be reclassified as Future Land Use Conservation Lands (CON) on the application.

804.8. **Permitted Uses Within Ecological Corridors**

Once the increase in density or intensity that is subject to this Section is approved, the allowable uses within the Ecological Corridor shall be as follows:

A. Permitted Uses

The following uses shall be permitted within the Ecological Corridor:

1. Recreational Fishing.

2. Exotic Species Removal.

3. Passive recreational uses such as, canoeing, kayaking, hiking, birding and nature study.

4. Excluded uses pursuant to this Code, Section 804.3.C.

B. Permitted Uses with Specific County Approval

The following uses may occur within the Ecological Corridor, if consistent with the intent and purpose of these uses further defined in the *Guidelines for Ecological Corridors*, only with specific written approval by the BCC or the County Administrator, or designee:

1. Trapping and/or removal, in compliance with State game laws and management guidelines, of feral hogs and other exotic animal species (e.g., tegu lizards, *Tupinambus* species) that are declared a nuisance by the Florida Fish and Wildlife Conservation Commission (FFWCC).

2. Control and/or removal of exotic pest plant species that are declared exotic pest plants by the most recent Florida Exotic Pest Plant Council Invasive Plant List, both Category I and Category II.

3. Boardwalks, pervious or semi-pervious walking/hiking trails, interpretive nature trails, equestrian uses, observation platforms and fishing docks.

4. Selected agricultural activities that do not affect the biological integrity and natural functions of the habitats included within the corridor.

5. Wetland mitigation through wetland creation, preservation, enhancement, and restoration as indicated in an Environmental Management Plan in accordance with Section 804.13. Wetland creation shall not consist of the removal of wetland organic soil and/or natural plant communities.

6. Selective logging and vegetative removal if it enhances the corridor's natural condition.

7. Wildlife Crossings.

The criteria for permitted uses in this subsection shall be met in accordance with the *Guidelines for Ecological Corridors*.

804.9. **Roads and Utilities within Ecological Corridors**

In connection with the review and approval of increases in density or intensity to which this Section applies, the following criteria shall be met:

A. Local Roads

All local roads shall be prohibited within the boundaries of any Ecological Corridor unless the roads are necessary as the only reasonable means of access to a project or site after consideration of the availability of alternative routes to the project and the environmental sensitivity of the Ecological Corridor.

B. Arterial and Collector Roads and Utilities

Arterial and collector roads and any utilities shall be prohibited within the boundaries of any Ecological Corridor, unless no feasible alternative exists and the location within the Ecological Corridor serves an overriding public purpose. Any collector and arterial roads indicated in the Highway Vision Plan (Map 7-36) of the Comprehensive Plan, or required by the County's collector and arterial spacing standards, including any utilities located within the right of way of such roadways, shall be construed as having an overriding public purpose for which no feasible alternative exists.

C. Undercrossings

Any local, arterial or collector road permitted in a Ecological Corridor shall provide a wildlife undercrossing meeting the minimum criteria as indicated in the *Guidelines for Ecological Corridors*, as well as the criteria of all applicable environmental permitting agencies.

D. Road Interconnection Requirements Waived

Any road interconnection requirements as indicated in this Code, Sections 901.3.M. and 901.6.D.11 are waived to the extent those requirements extend a road into the boundaries of any Ecological Corridor.

804.10. **Development Options**

A. Density Transfers to Property Outside of Ecological Corridor

1. The density or intensity within the boundaries of an MPUD subject to this Section may be increased as transferable density in accordance with Section 804.10.A.4. only if all such transferable density or intensity is transferred to a receiving area as indicated in Section

804.10.A.2.

2. The receiving area of an MPUD subject to this Section may be:

   a. Any area within the boundaries of the same MPUD project, so long as such area is not environmentally sensitive or protected lands or any area designated in the Comprehensive Plan as Conservation, Coastal High Hazard Area, wetland; or a Transportation Corridor; or

   b. An offsite receiving parcel, which is any parcel not within the boundaries of the MPUD project. An offsite parcel is not required to be owned by the same applicant, and is not required to be contiguous with any Ecological Corridor lands or the project boundaries of the subject parcel. However, the offsite receiving parcel shall not be any portion of any parcel designated in the Comprehensive Plan as AG, AG-R, RES-1, Rural Character Area, Rural Neighborhood Protection Area, Rural Transition Area, Rural Protection Area, Northeast Pasco Rural Area, Conservation, Coastal High Hazard Area, Transportation Corridor, Critical Linkage, Drainage Basin of Special Concern.

   c. Transferable density or intensity to any offsite receiving parcel other than within the West or South Market Area depicted Comprehensive Plan Maps 2-17 or 2-18, respectively, as it may be amended by the Comprehensive Plan or Land Development Code, cannot exceed the density or intensity of one (1) Future Land Use category above the existing future land use category of the receiving parcel. However, regardless of the receiving Market Area, transfers of intensity or transferable density that is converted to a non-residential use pursuant to subsection 804.10(5)(e), shall not be utilized for a use not permitted by the Future Land Use category of the receiving parcel. Transferable density or intensity pursuant this Section shall be considered a Transfer of Development Right (TDR) that is entitled to the exemption from Transportation Analysis in Section 901.12.C.4.

3. Density or intensity transfers pursuant to this subsection shall be evidenced in accordance with 804.7.E, and by recorded deed restriction, in a form acceptable to the County, on the sending and receiving properties, at the time of County final MPUD approval for the sending property. A recorded deed restriction on the receiving parcel shall not be required if a Transferable Density certificate is issued pursuant Section 804.10.A.4. until the certificate is utilized for a receiving parcel.

   Utilization of the transferable density or intensity on the receiving property does not require a rezoning of the receiving property. The

permitted uses for all transferable density or intensity shall be consistent with the permitted uses in the underlying zoning of the receiving property, and all types of residential uses (multifamily, single-family, etc.) shall be considered the same permitted use (residential). The associated lot requirements (i.e., Area, Lot Width, Coverage, Yard and Height) shall be consistent with the requirements in the zoning classification that as-of-right permits the resulting total allowable density or intensity after the transfer of density or intensity. If the receiving property is a MPUD, the addition of the transferable density or intensity, and the addition of any related lot requirements, shall be processed as a non-substantial modification to the MPUD.

For example:

The receiving property is zoned R-3 Medium-Density Residential, which allows for 4.6 dwelling units per acre.

As a result of the density transfer, the receiving property would be allowed an additional 3.0 dwelling units per acre, or a resulting 7.6 dwelling units per acres.

The next zoning classification that allows for this density is the MF-1 Multiple-Family Medium-Density District, which allows for 12 dwelling units per acre. R-4 High Density Residential only allows for 7.3 dwelling units per acre, less than the resulting allowable density.

The subject property would not be allowed to exceed the allowable 7.6 dwelling units per acre resulting from the density transfer, however, it would be subject to the other area, lot width, coverage, yard, and height regulations in accordance with the MF-1 District.

4. If an offsite receiving parcel cannot be identified at the time of the final MPUD approval, the applicant/landowner may request that a transferable density certificate be issued by the County Administrator, or designee, for future use on any offsite receiving parcel not prohibited by Section 804.10.A.2. If a transferable density or intensity certificate is issued, the applicant/landowner shall not be entitled to compensation pursuant to Sections 804.10.B. or 804.10.C.

5. Density/Intensity Transfer Calculations

Transfer calculations are determined through a process that applies a bonus density transfer, and a wetland density bonus as applicable, to the estimated Ecological Corridor Upland Acres for the subject site. The following calculation summaries represent the formulas for 1) a density transfer, and 2) an intensity transfer. Step-by-step examples of this process are provided in the *Guidelines*.

a. Density Transfer

Ecological Corridor Upland Acres = Ecological Corridor Acres minus Ecological Corridor Wetland Acres

Ecological Corridor Base Density = Maximum Permitted FLU Density multiplied by Ecological Corridor Upland Acres

- A 25% density bonus is applied to the Ecological Corridor base density.

Ecological Corridor Bonus Transfer = 0.25 multiplied by Ecological Corridor Base Density

Ecological Corridor Upland Transfer = Ecological Corridor Base Density plus Ecological Corridor Bonus Transfer

- If the Ecological Corridor includes wetlands, a wetland bonus can also be applied to the density transfer at a rate of 25% of the maximum permitted FLU Density for Category 1 wetlands, and 10% of the maximum permitted FLU density for Category 2 and 3 wetlands.

Wetland Bonus = (0.25 multiplied by Category 1 Wetland Acres) plus (0.10 multiplied by Category 2 and 3 Wetland Acres)

Total Ecological Corridor Density Transfer = Ecological Corridor Upland Transfer plus Wetland Bonus

b. Intensity Transfer

Density refers to dwelling units; intensity to nonresidential square feet. Density may be converted to intensity for transfer. Conversion of density to intensity is based on the number of trips generated using the up-to-date Institute of Transportation Engineers Trip Rates. The following calculation summarizes the residential to nonresidential conversion.

Convert Dwelling Units to Trips

Total Ecological Corridor Density Transfer Dwelling Units multiplied by PM Peak Hour Trips

Convert Residential Trips to Nonresidential Trips

Trips Available for Transfer divided by Estimated Number of Trips per 1,000 SF (based on specific non-residential land use proposed)

Convert Trips to Total Square Feet Available for Transfer

Nonresidential Trips multiplied by 1,000

6. Other Incentives

In the MPUD approval, the BCC may grant other incentives on the portion of the MPUD project outside of any Ecological Corridor, if such incentives are necessary to achieve the transfer on-site. Such incentives include, but are not limited to:

a. Increased or modified maximum building height requirements;

b. Reduced or modified minimum setbacks, lot area, lot width, and lot depth requirements;

c. Increased or modified maximum lot coverage requirements;

d. Reduced or modified minimum open space requirements;

e. Reduced or modified neighborhood park requirements;

f. Reduced or modified landscaping requirements;

g. Reduced or modified tree replacement requirements; and

h. Other incentives not prohibited by law.

B. Compensation In Lieu of Density Transfer

1. If any applicant for a submittal subject to the requirements of this Section is unable or unwilling to utilize the transferable density set forth in Section 804.10, such applicant is entitled to request compensation. The amount of compensation shall be determined based on the average of two (2) appraisals of the subject parcel(s) within the Ecological Corridor based on the highest and best use of the land without regard to any restrictions created by this Code, Section 804. The appraisal may include severance damages and costs to cure where applicable. Comparable properties for the appraisals are not limited to land within the Ecological Corridor, but should include other appropriate properties regardless of whether or not they are located within the Ecological Corridor. One appraiser shall be chosen by the applicant, and the other appraiser shall be chosen by the County. The County shall reimburse the applicant for the actual reasonable cost of the appraisal, if so requested by the applicant, and if the applicant obtains preapproval of the amount from the County Administrator or designee, which shall not be unreasonably withheld. Both appraisers shall be licensed appraisers in the State of Florida with significant expertise in the valuation of vacant land. Compensation requires a conservation easement over

the Ecological Corridor land or a fee simple conveyance of the Ecological Corridor land as indicated in Section 804.12, and the form of conveyance shall be taken into account in the appraisals. If the form of conveyance is a conservation easement, the appraisal shall take into account 50% of the estimated reasonable cost of implementing the EMP as approved by the County, which shall not be unreasonably withheld.

2. In the event the County and the applicant are unable to agree on the compensation based on the average of the first two (2) appraisals, the County or the applicant may request an appeal which shall consist of the following: 1) appellant's payment of the applicable appeal fee; and 2) referral of the issue(s) in dispute to a third party appraiser chosen by the County, in consultation with the applicant, who shall make a determination on the required compensation within 30 working days of the date of the referral. If either party disagrees with the determination made by the third-party appraiser, they may appeal the issue(s) in dispute to the DRC. The decision of the DRC may be appealed to the BCC pursuant to this Code, Section 407.1. Notwithstanding the foregoing, either the County or the applicant may elect to bypass the appeal to the third party appraiser and/or DRC, and appeal directly to the BCC pursuant to this Code Section 407.1.

3. Landowners requesting compensation pursuant to this subsection are not entitled to the Other Incentives set forth in subsection 804.10, but are not precluded from seeking alternative relief or an alternative standard from such requirements in accordance with the requirements of this Code, Sections 407.4 or 407.5.

C. Partial Density Transfer and Partial Compensation in Lieu of Density Transfer

1. If any applicant of a submittal subject to the requirements of this Section is unable or unwilling to utilize all of the transferable density set forth in Section 804.10, such applicant is entitled to request compensation for any amount of unutilized transferable density. The amount of compensation shall be determined based on appraisals of the sending and receiving parcels to determine the values before and after the rezoning and density transfer and land use change. Such appraisals shall be performed in accordance with the requirements of this Code, Section 801.10.B.1. and 2. Density transfer is considered adequate compensation unless the valuations of the sending and receiving parcels show a decrease in the cumulative land values after the rezoning, density transfer and land use change. Compensation requires a conservation easement over the Ecological Corridor land or a fee simple conveyance of the Ecological Corridor land as indicated in Section 804.12, and the form of conveyance shall be taken into account in the appraisals.

2. Landowners requesting compensation pursuant to this subsection are not entitled to the Other Incentives set forth in subsection 804.10, but

are not precluded from seeking alternative relief or an alternative standard from such requirements in accordance with the requirements of this Code, Sections 407.4 or 407.5.

D. Prohibition from Seeking Other Development Option

Any landowner subject to this Section that has elected development option A., B., or C. above cannot subsequently (after a density or intensity transfer and/or compensation has been authorized) seek to utilize a different development option for the same property. In addition, development options A., B. and C. are not available for any land that has been excluded from a Ecological Corridor pursuant to subsection 804.7.C.

804.11. **Ownership Interest in Ecological Corridor Land**

A. For development subject to Section 804.2, any lands that are within a Ecological Corridor shall:

1. Be conveyed to the County in fee simple, or

2. Be subject to a conservation easement for purposes of enforcement of the Environmental Management Plan required by Section 804.13 and the permitted uses in Section 804.8. The conservation easement shall be consistent in purpose and intent as stated within the *Guidelines for Ecological Corridors*.

3. The choice of dedicating the Ecological Corridor land to the County by fee simple or by conservation easement is at the option of the landowner; however, the County may reject a fee simple deed and require a conservation easement if the Ecological Corridor land has the following characteristics:

a. Limited accessibility by County staff due to the Ecological Corridor being landlocked without any public access; or

b. Intense maintenance and/or restoration needs due to the Ecological Corridor being in a non-native state such as a significant presence of non-native species, clear-cutting or extensive pasture lands; or

c. Lack of connectivity or proximity to other public lands; or

d. Use of the Ecological Corridor land by the landowner per Section 804.8.

If the County rejects the fee simple deed based on the criteria above, the County will reimburse the applicant's actual reasonable cost of preparing the EMP in accordance with this Code, Section 804.12, if so requested by the applicant, and if the applicant obtains preapproval of the amount from the County Administrator or designee, which shall

not be unreasonably withheld.

Under 804.10.A., any deed or conservation easement for any Ecological Corridor shall be submitted to and approved by the County Administrator or designee, prior to the issuance of any mass grading or site development permit.

If (a) all project entitlements and project approvals expire, or are legally rescinded; and (b) such entitlements and project approvals have never been utilized, then the County shall convey the deed back to the original owner or extinguish the conservation easement, as applicable.

Under 804.10.B., in the case of Compensation in Lieu of Density Transfer, the conservation easement for any Ecological Corridor shall be negotiated prior to the appraisal.

804.12. **Environmental Management Plan**

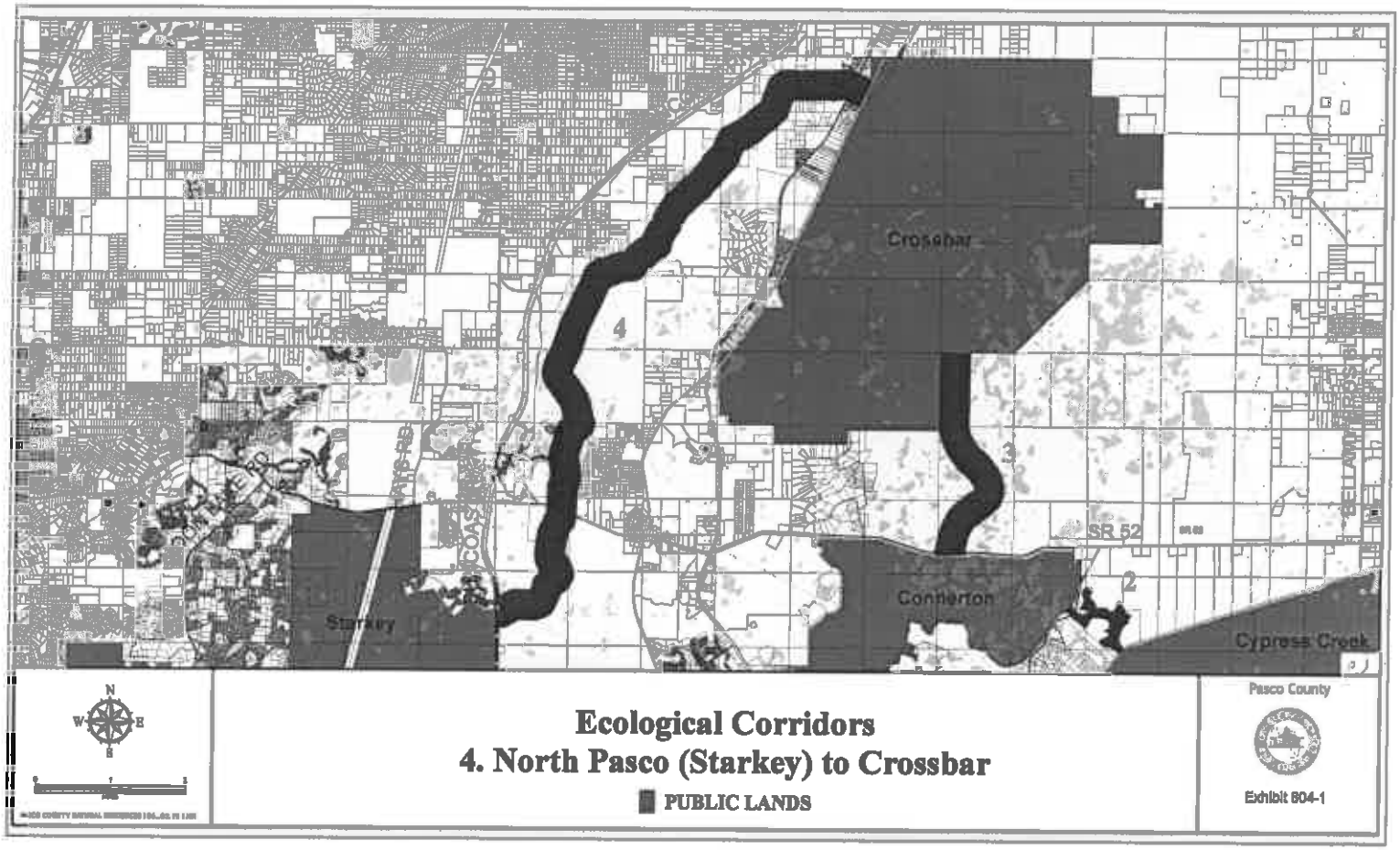
A. For any Ecological Corridor lands in which the County is granted a conservation easement pursuant to Section 804.12, an Environmental Management Plan (EMP) shall be required. The EMP shall contain the elements outlined in the *Guidelines for Ecological Corridors.*

B. The EMP shall be submitted for review by the County Administrator or designee, prior to the issuance of the site development permit. A final approved EMP shall not be required until all infrastructure (roads, stormwater collection and treatment system, water, and sanitary sewer) have been certified as completed and functional to allow for modifications and improvement, but such approval shall be required prior to the first certificate of occupancy being granted, unless otherwise agreed to in writing, by the County Administrator or designee. In the case of Compensation in Lieu of Density Transfer as per Section 804.10.B, the EMP shall be approved prior to the appraisal.

C. Lands dedicated to and accepted by the County within Ecological Corridors shall not require an EMP from the entity dedicating said land. The County will develop an EMP for said land in accordance with this Section.

D. The County shall prepare the EMP for any portion of the conservation easement that is publicly accessible.

E. If the County plans to use a portion of an Ecological Corridor for public use, the County will follow proper noticing procedures and include affected property owners in the design and planning of any proposed passive recreational amenity. All such designs shall attempt to insulate the affected property owners by incorporating standard buffering techniques and other elements intended to diminish public use impacts and maintain landowner privacy. If an applicant or landowner objects to public use of the Ecological Corridor, the applicant or landowner may appeal such decision to the Board of County Commissioners, pursuant to this Code, Section 407.1, and the Board may deny public use.

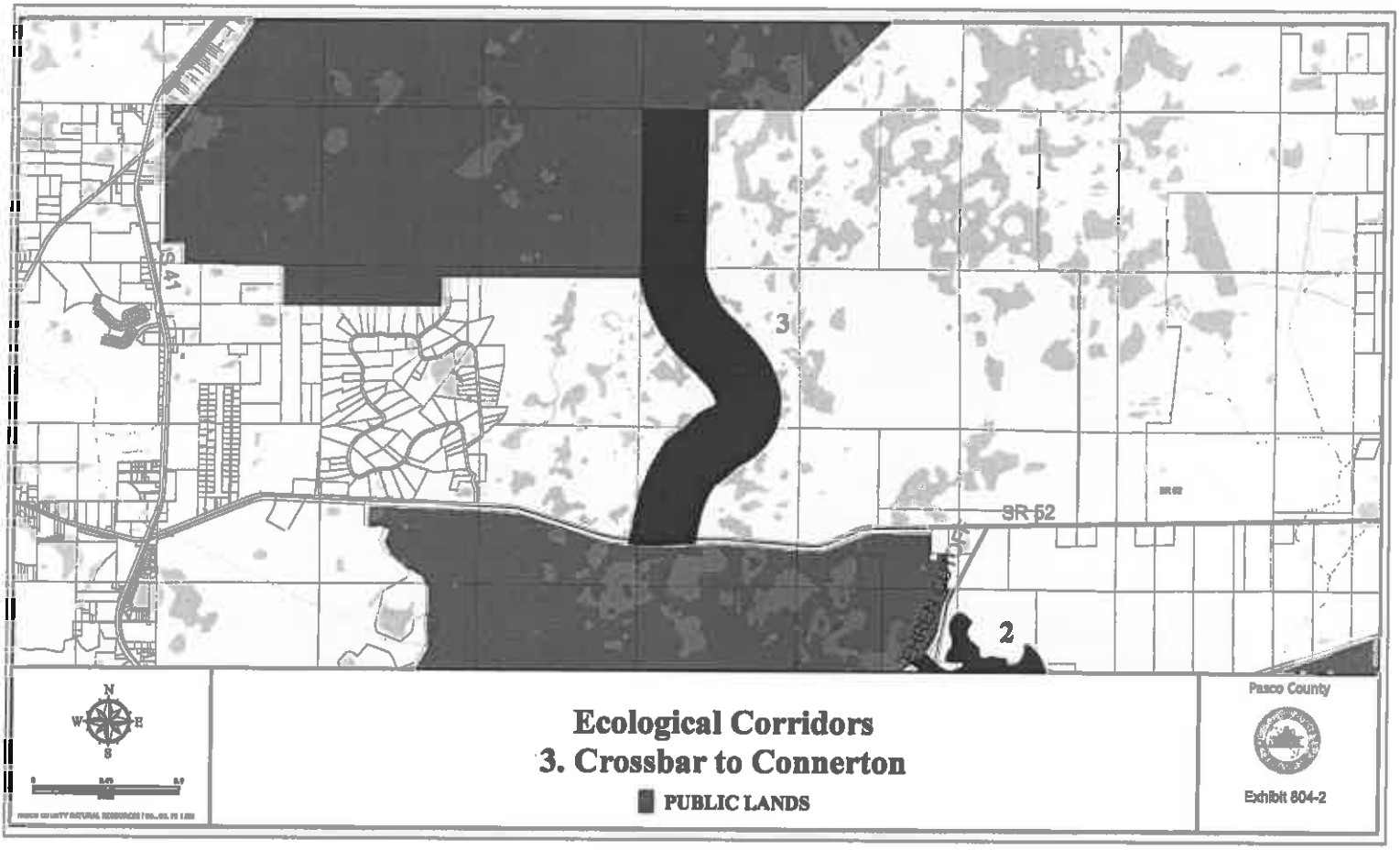


Ecological Corridors
4. North Pasco (Starkey) to Crossbar

PUBLIC LANDS

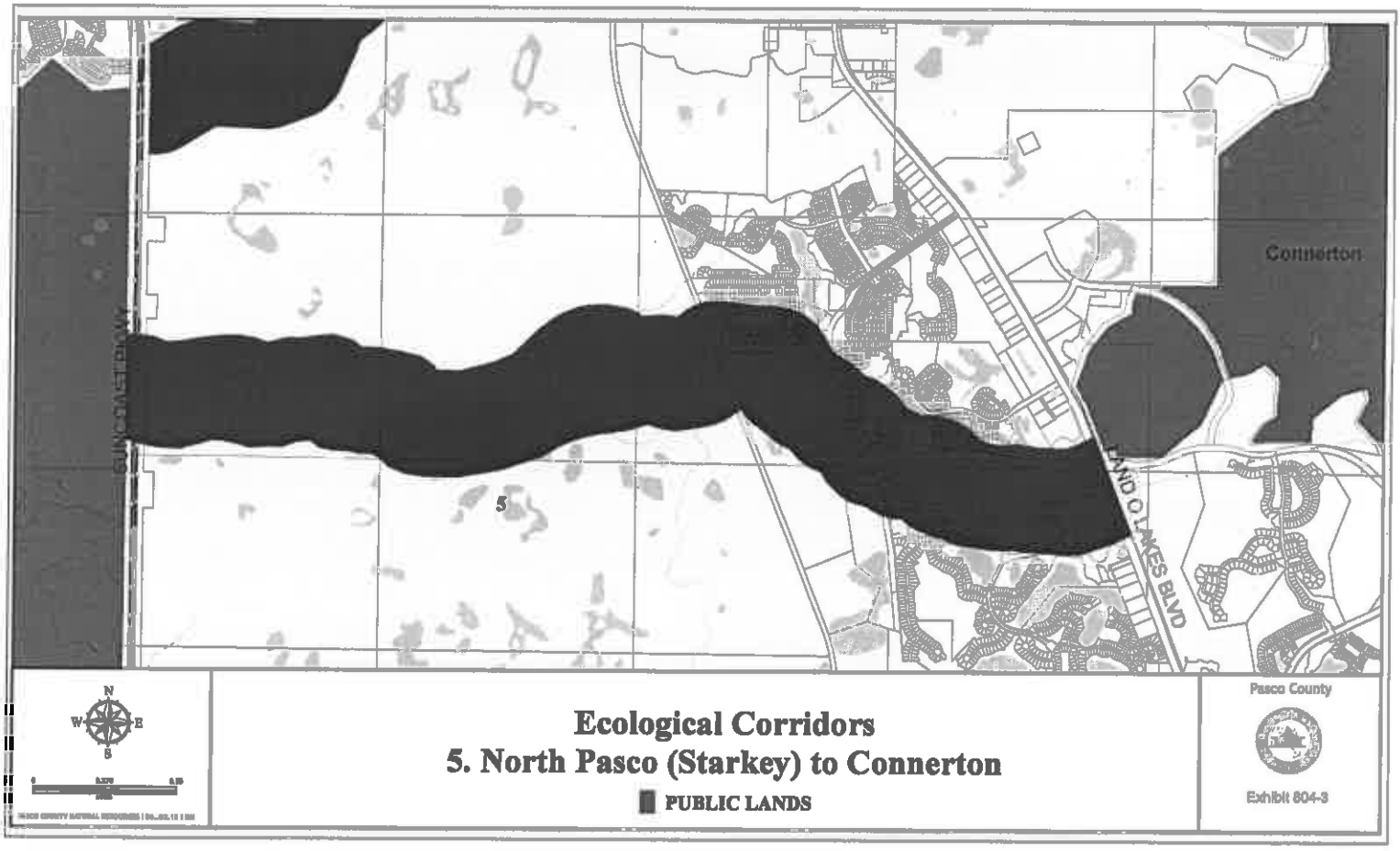
Pasco County

Exhibit 804-1



Ecological Corridors
3. Crossbar to Connerton

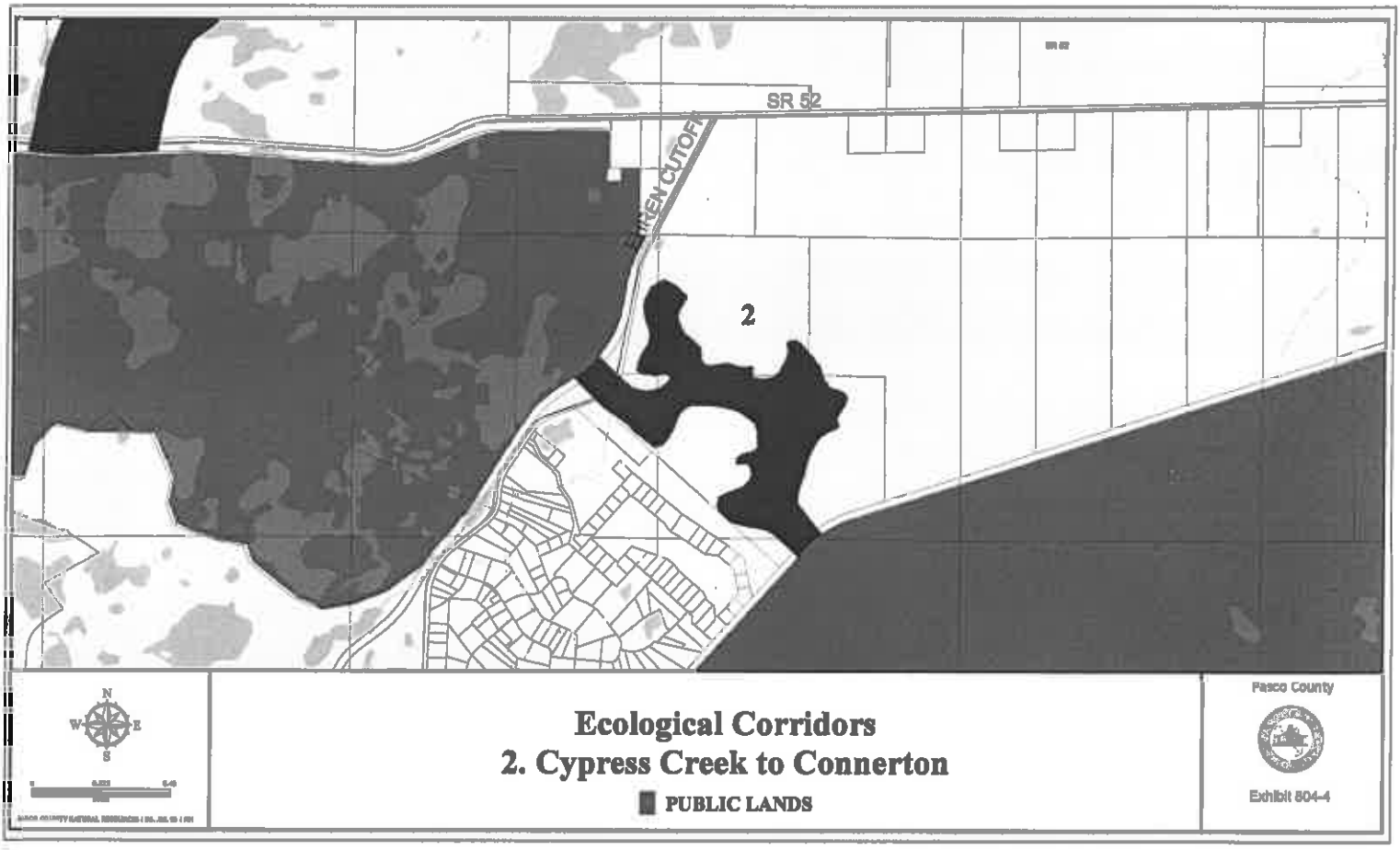
PUBLIC LANDS



Ecological Corridors
5. North Pasco (Starkey) to Connerton

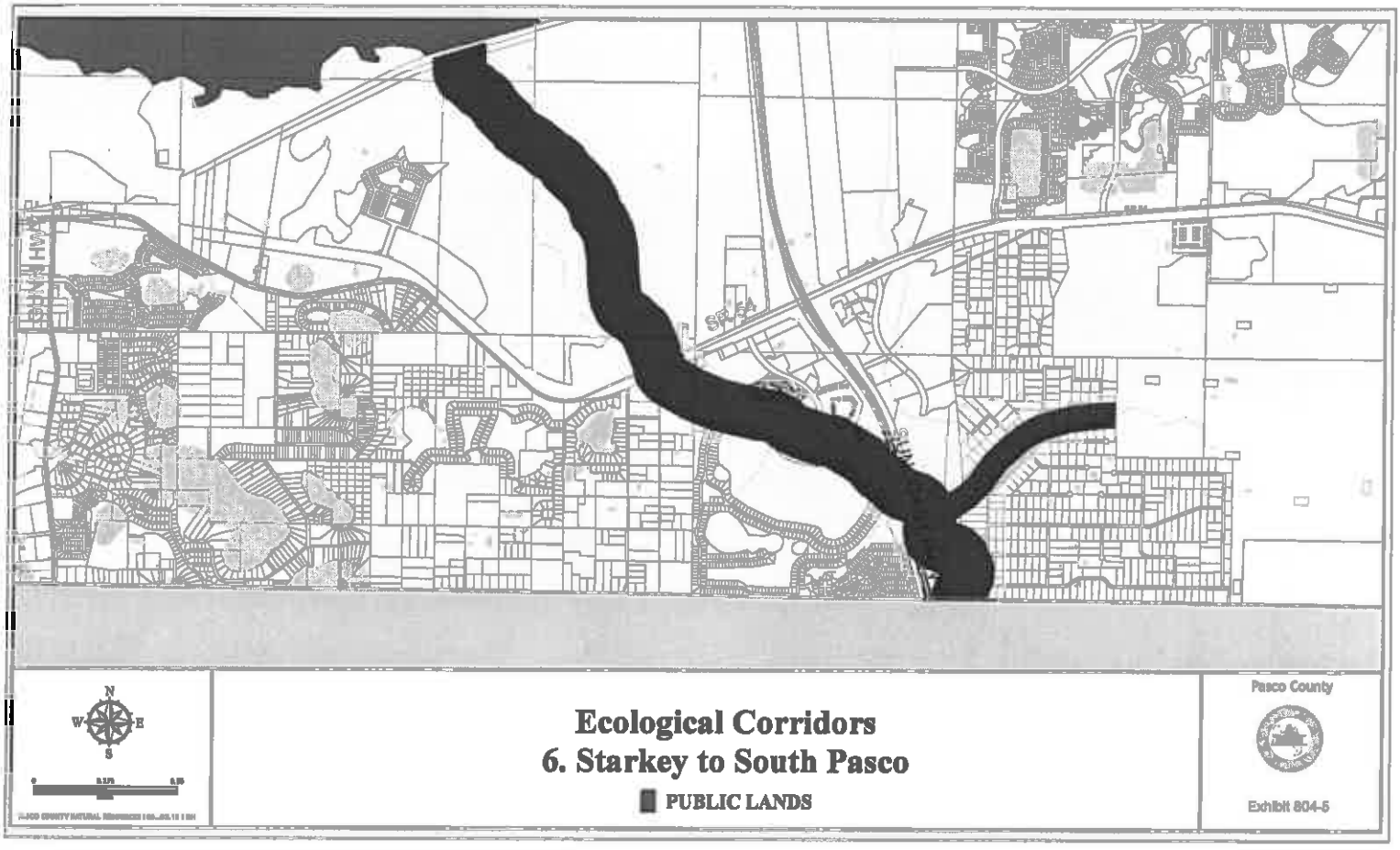
PUBLIC LANDS

Exhibit 804-3



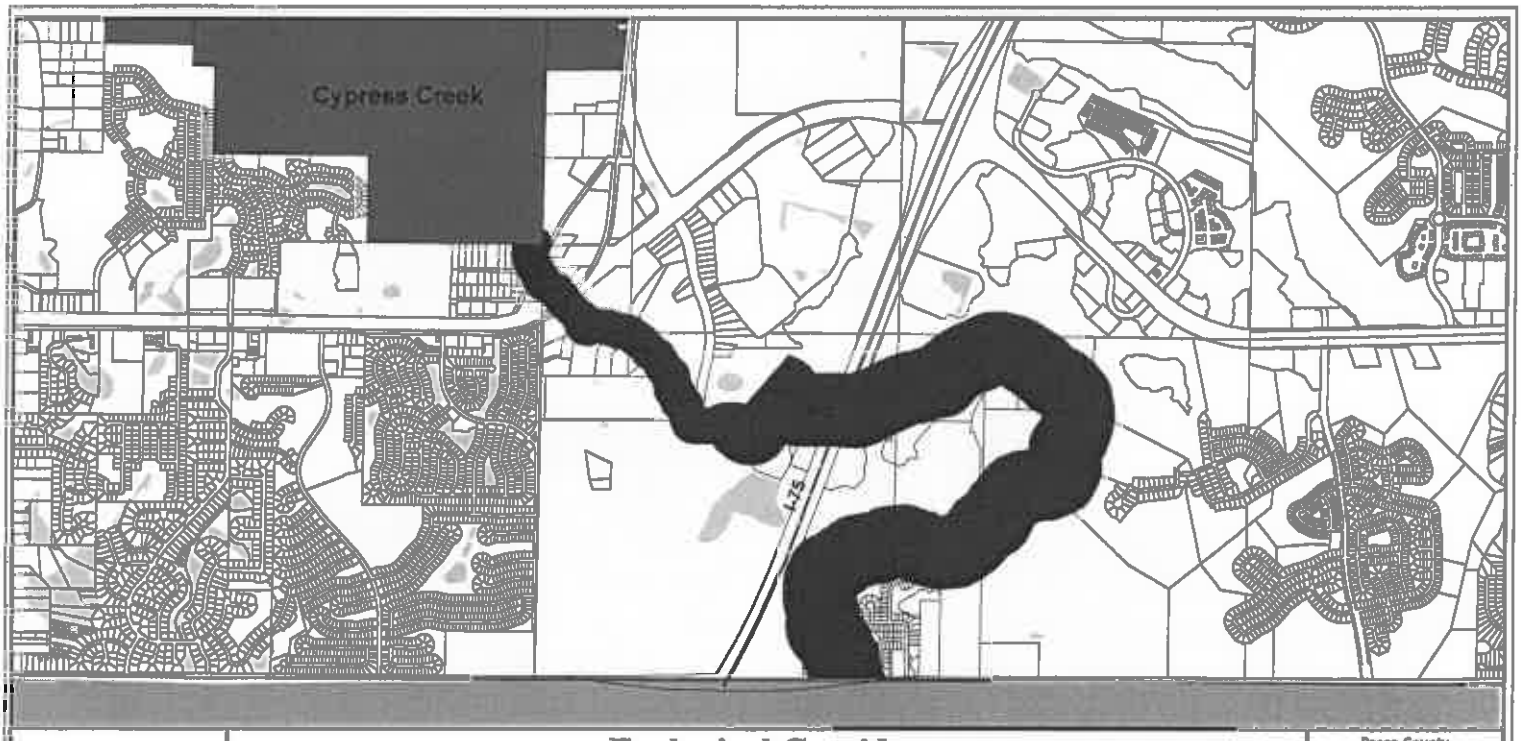
Ecological Corridors
2. Cypress Creek to Connerton

PUBLIC LANDS



Ecological Corridors
6. Starkey to South Pasco

PUBLIC LANDS



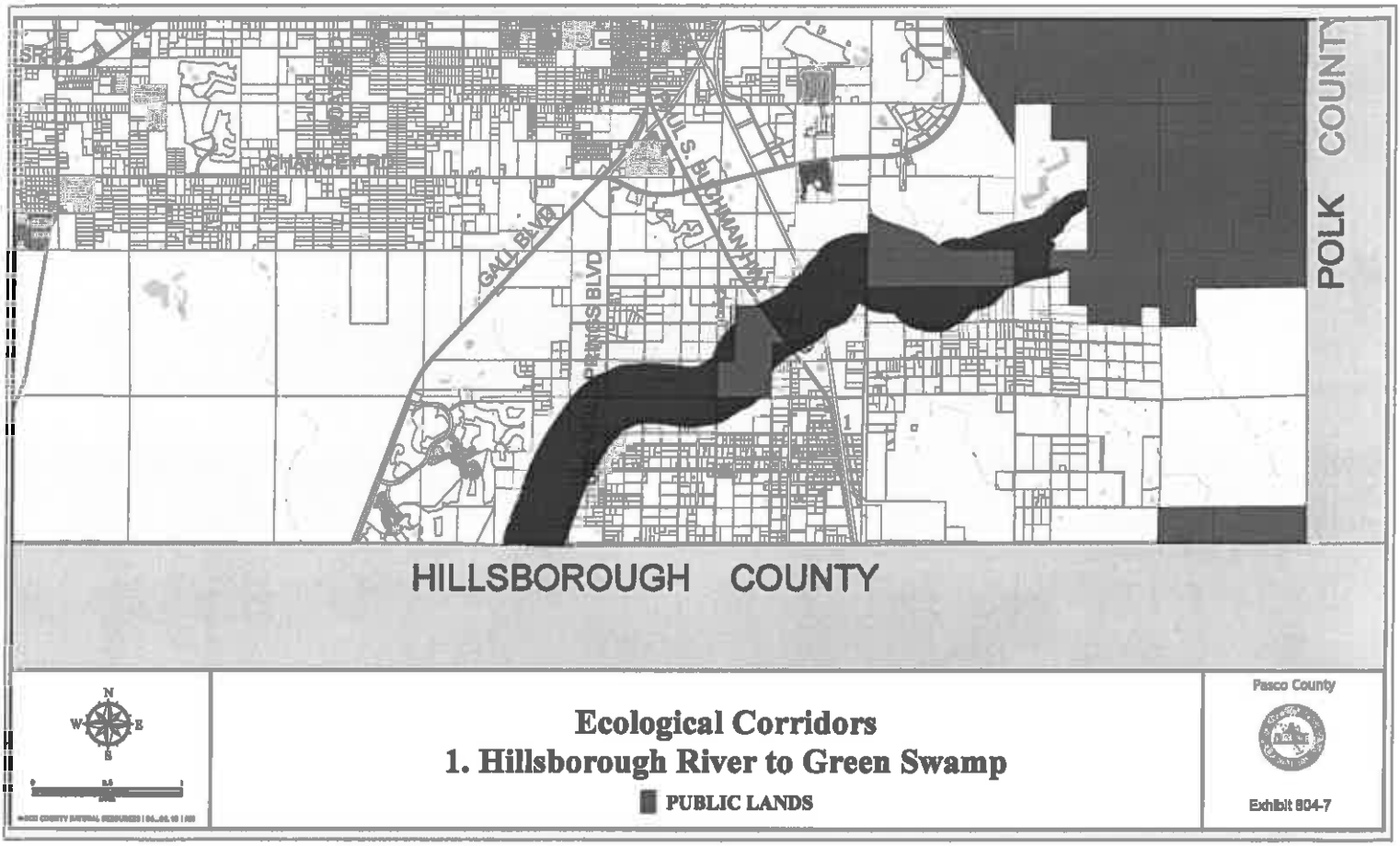
Ecological Corridors

7. CYPRESS CREEK TO CYPRESS BRIDGE

PUBLIC LANDS

Pasco County

Exhibit 804-6



Ecological Corridors
1. Hillsborough River to Green Swamp

PUBLIC LANDS

Pasco County

Exhibit 804-7